

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1874 of 2024

Arising Out of PS. Case No.-726 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Dinanath Kumar @ Dinnath Kumar S/O Kailash Choudhary Village-
Tumkadiya, Ps. Bairiya, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Gopalganj (Nagar) P.S. Case No.726 of 2023, lodged on
10.09.2023, under Sections 461/379/34 of the Indian Penal
Code.

3. As per the prosecution, FIR has been lodged against
unknown accused persons and name of petitioner has figured in
this case by virtue of confessional statement of one Chandan
Kumar from whose possession the recovery of battery subject to
theft has been made.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. His name



has come only by virtue of confessional statement of Chandan Kumar who sold the battery which has been recovered from the possession of the petitioner. Counsel submits that he is working with a doctor as an Assistant. Counsel submits that antecedent of the petitioner is clean. The petitioner is in custody since 17.90.2023. He accepts that since he has purchased battery from Chandan Kumar at low price and subsequently on disclosure of Chandan battery has been recovered from his possession.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the antecedent of the petitioner, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj (Nagar) P.S. Case No.726 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(iv) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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