

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1866 of 2024

Arising Out of PS. Case No.-520 Year-2022 Thana- CHIRAIYA District- East Champaran

Dhiraj Kumar S/O Nagednra Das R/O Village- Paharpur Tola (Monarath),
P.S- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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
Chiraiya P.S. Case No.520 of 2022, lodged on 01.12.2022,
under Section 392 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged
against unknown accused persons against whom there is
allegation that the offence of robbery took place at the instance
of three unknown persons who has committed robbery and fled
away on motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that FIR has been lodged against unknown accused persons and
his name has figured by virtue of confessional statement of co-



accused. Counsel submits that nothing incriminating has been recovered from the possession of the petitioner; rather it was recovered from the house of other co-accused. Counsel submits that there is one criminal case pending against the petitioner in which he is on bail. He is in custody since 17.10.2023. Charge sheet has already been filed.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that the accused persons from whose house the motorcycle was recovered had confessed the name of the petitioner due to which the petitioner's name has figured in this case.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarahana at Dhaka, East Champaran, in connection with Chiraiya P.S. Case No.520 of 2022, 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 appear before the concerned police station every month for one year to mark attendance;

(iv) 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

(v) 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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