

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2891 of 2024

Arising Out of PS. Case No.-285 Year-2018 Thana- KESARIA District- East Champaran

Dhiraj Kumar, Son Of Ram Vilash Paswan Resident Of Village- Jagarnathpur
Nagwa, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kesariya P.S. Case No. 285 of 2018, lodged on 18.07.2018
under Section 395 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against six unknown accused persons against whom there is an
allegation of *loot* of Rs. 1,20,000/- from a gas agency.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the FIR has been lodged against six unknown
persons and nothing incriminating has been recovered from the
petitioner's possession nor he was put on TIP. Counsel further
submits that the name of the petitioner has been figured in this



case only by virtue of confessional statement of the co-accused to whom bail has been granted by the co-ordinate Bench of this Court *vide* order dated 08.07.2020 passed in Cr. Misc. No. 21861 of 2020. He further submits that the antecedent of the petitioner is not clean and there are five criminal cases pending against the petitioner in which in four cases, he is on bail and in one case, the petitioner is persuading for bail. The petitioner is in custody since 20.07.2023 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only upon confirming that the petitioner is not absconding in any of the five cases**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Kesariya P.S. Case No. 285 of 2018, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the



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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