

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3543 of 2025

Arising Out of PS. Case No.-238 Year-2024 Thana- MUFFASIL District- Aurangabad

Dhiraj Kumar @ Tinku, S/o- Rajendra Prasad, Village- Barah Patthar, PS-
Dehri-on-sone, District-Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay, Advocate

For the Opposite Party/s : Mr. M.K.Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard Mr. Aditya Prakash Sahay, learned Advocate

appearing on behalf of the petitioner and Mr. M.K. Nirala,

learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Mufassil P.S. Case No. 238 of 2024 registered for the offence punishable under Sections 304(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly while the informant was going to his in-laws house to attend a wedding ceremony, in the meanwhile, two miscreants came on a Pulsar bike, snatched the informant's gold chain and fled away.

4. Learned Advocate appearing on behalf of the petitioner contended that the F.I.R. has been instituted against unknown miscreants, however, during the course of



investigation one Md. Arif Ali was apprehended in connection with the crime in question and later on he confessed before the police that he sold the golden chain to the petitioner. Learned Advocate for the petitioner further contended that a gold shop is running in the name of Sona Jewellers and the father of the petitioner is the owner of the said shop. There is neither any recovery of the gold chain, nor any other incriminating material suggesting the complicity of the petitioner in the crime. However, only on the fact that some golds have been recovered from the shop of the petitioner, suspicion has been raised that the petitioner is involved in purchasing stolen articles and after melting it into piece of gold, he used to keep them. Drawing the attention of this Court to the impugned order, learned Advocate further contended that after being apprehended in connection with the present case, the name of the petitioner has been remanded in six other criminal cases as has been disclosed in paragraph no. 3. Moreover, in all the cases the petitioner have been granted bail. Prior to the institution of this case, the petitioner was having absolutely fair antecedent and now he has been incarcerated since 11.11.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application



and submits that the petitioner is said to have involved in purchase of stolen and looted gold articles.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that there is no recovery of the golden chain which was the subject matter of the crime, coupled with the fact that prior to the institution of the present case the petitioner bears fair antecedent and moreover, the crime in question is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Aurangabad in connection with Muffasil P.S. Case No. 238 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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