

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2822 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- RUPO District- Nawada

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DilKhush Kumar Son of Ashok Singh village- Andauli, Ps- chewara, Dist-
Shekhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Rupau
P.S. Case No. 80 of 2024 instituted for the offences under
Sections 310(4)(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of being involved in
making preparation for committing *dacoity*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the basis of suspicion. Petitioner was arrested on the
spot, whereas other co-accused persons managed to flee away.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye-witness to the alleged occurrence and none of the prosecution witnesses have supported the version of the Informant. There is also no direct or indirect evidence against the petitioner which shows the complicity of the petitioner in the alleged occurrence. All the witnesses in this case are interested witnesses. The petitioner has no concern with the alleged occurrence. So far as recovery of motorcycle is concerned, the same belongs to the petitioner. The petitioner has four criminal antecedents and is languishing in judicial custody since 17.09.2024 without any rhyme or reason. Other co-accused has been granted bail by this Court *vide* order dated 18-12-2024, passed in Cr. Misc. No. 86240 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Rupau P.S. Case No. 80 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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