

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65475 of 2024

Arising Out of PS. Case No.-511 Year-2023 Thana- ALOULI District- Khagaria

Dilchand @ Dilchand Kumar Son of Shankar Chaudhary Resident of Village-
Mohraghat, P.S.- Alouli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

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

ORAL ORDER

4 20-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Alauli
P.S. Case No. 511 of 2023 instituted for the offences under
Section 394 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
four unknown miscreants is of assaulting the Informant and his
colleague and, thereafter, looted the motorcycle bearing Regd.
No. BR34N 2495 from the Informant on the gun point. It is also
alleged that the accused persons have also inflicted knife blow
upon the back of the Informant's friend.

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. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation on the basis of disclosures made by the spy. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The T.I. parade has been conducted by the Investigating Officer as yet. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The police has forcefully took the confessional statement of the petitioner which has no evidentiary value in the eye of law. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The police has also recovered the stolen motorcycle from the house of the petitioner and, hence, he does not deserve bail.



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 and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Alauli P.S. Case No. 511 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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