

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25495 of 2020**

Arising Out of PS. Case No.-256 Year-2018 Thana- CHOUTARWA District- West
Champaran

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KAMLESH RAM Son of Bikau Ram Resident of Village- Kataiya, P.S.-
Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 26-11-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Tr.No.3519/2019, arising out of Chautarwa P.S. Case
No.256 of 2018 registered for the offence under Section 392 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the name of the petitioner has
transpired in the confessional statement of the co-accused and there
is no recovery of any incriminating article from the possession of the
petitioner. It is submitted that the petitioner is in custody since
04.10.2019.

On the other hand, learned APP for the State has opposed



the prayer for regular bail of the petitioner.

Having regard to the facts and circumstance of the case wherein the name of the petitioner has come through the confessional statement of the co-accused, there is no recovery of any incriminating article from the possession of the petitioner and he has not been put on T.I. Parade till date, he is in custody since 04.10.2019 and out of the three cases he is on bail in the two cases whereas his bail application is pending in one case, there being no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st Bagaha, District-West Champaran in connection with Tr.No.3519/2019, arising out of Chautarwa P.S. Case No.256/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to



the Court or to any Police officer or tamper with the evidence.

And further condition that 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 steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

