

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36189 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- PAKRIDAYAL District- East Champaran

MUSAFIR DAS Son of Late Girija Das Resident of Village - Madhuban
Pandey Tola, P.S.- Madhuban, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Pakarideyal P.S. Case No. 209 of 2020 registered for the offences punishable under Sections 394, 326, 307 of the I.P.C.

According to prosecution case, on 24.08.2020 while the informant was going to his home on motorcycle after closing his medicine shop, three persons stopped his motorcycle and one person took key of his motorcycle. The informant identified him as Sriram Thakur. It is further alleged that Sriram Thakur opened fire upon the informant causing injury on his neck. The



accused persons also looted away his motorcycle.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. No incriminating article has been recovered from conscious possession of the petitioner. Till today, no TIP has been done. It is further submitted that specific allegation is against co-accused Sriram Thakur. It is further submitted that it appears from the impugned order itself that co-accused Tunna Sah has been granted regular bail by the court below itself. Petitioner is in custody since 29.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sadar Motihari, East Champaran in connection with Pakarideyal P.S. Case No. 209 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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