

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.274 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- DHAKA District- East Champaran

1. WASI AKHTAR son of Jalaluddin Resident of Village- Bhagwanpur Kotwa, Ward No. 1, P.S.- Ghorasahan, Distt.- East Champaran.
2. Rakesh Ram son of Bhramdeo Ram Resident of Village- Ghorasahan Birta Chowk, P.S.- Ghorasahan, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Dhaka P.S. Case No. 88 of 2020 registered for the offences punishable under Section 395 of the Indian Penal Code.

Learned counsel for the petitioners submits that the F.I.R. in question was lodged against unknown. It is alleged that the unknown criminals have broken open the chest in the shop



and took away Rs. 50,000/- in cash and the jewellery worth Rs. 3,00,000/-.

Learned counsel submits that in course of investigation these petitioners were arrested in connection with Dhaka (Pachpakri) P.S. Case No. 121 of 2020 under Sections 401, 413, 414/34 of the Indian Penal Code. In the said case the petitioners have been granted bail but thereafter they have been taken on remand in the present case. It is further submitted that the whole case is based on the confessional statement of the petitioner no. 1 who is said to have implicated the petitioner no. 2 as well, the petitioners are in jail in connection with the present case since 28.08.2020 and prior to the case as stated in paragraph 3 being Dhaka (Pachpakri) P.S. Case No. 121 of 2020 petitioners were not involved in any of the case.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners, thus considering the facts and circumstances of the case particularly that petitioners have been taken on remand in the present case they have remained in custody since 28.08.2020 and investigation against them is complete, and at this stage there is no submission on behalf of the State that their release is likely to result in tampering with evidence or interfering with the course of trial,



let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 88 of 2020 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands disposed of accordingly.

(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'.

