

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12134 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- BARHIYA District- Lakhisarai

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1. Rampal Son of Hardeo Thakur Resident of Village - Bhojpur Narayanpur,
P.s.- Kadar Chowk Tahsl, Distt.- Vadayun (U.P).
 2. Khem Singh Son of Bankelal Resident of Village - Bhojpur Narayanpur,
P.s.- Kadar Chowk Tahsl, Distt.- Vadayun (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Barahiya
P.S. Case No. 6 of 2022 registered for the offence under
Sections 399 and 402 of Indian Penal Code and Sections 25(1-
B)a, 26 and 35 of Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 07.01.2022.

The allegation against the petitioners is to prepare to
commit dacoity alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners



submitted that the name of the petitioners surfaced on the basis of confessional statement of co-accused, namely, Tarachand and nothing incriminating recovered from the conscious possession of the petitioners, in furtherance of the said confession, which may suggest that petitioners were involved in any preparation to commit dacoity. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that name of the petitioners surfaced on the basis of confessional statement of co-accused.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the possession of the petitioners and also nothing surfaced during the course of investigation, which may suggest the participation of the petitioners, as regard to preparation of dacoity alongwith other co-accused persons coupled with the fact that petitioners are persons of clean antecedent and chargesheet has already been submitted, let the petitioners, above named, are directed to be



released on bail in connection with Barahiya P.S. Case No. 6 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned Court, subject to the following conditions:

“(i) The Trial Court is directed to verify the criminal antecedent of the petitioners, if the same shall be contrary to the averments made out in paragraph no.3 of the bail petition, the bail bond of the petitioners shall not be accepted.

(ii) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(iii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(iv) That one of the bailors shall be Niraj, who is the cousin sister of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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