

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25812 of 2021

Arising Out of PS. Case No.-515 Year-2018 Thana- CHANPATIA District- West Champaran

Tabrej Alam S/O Murtuza Mian Resident Of Village-Barwa Chap, P.S-
Chanpatia, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 Sessions Trial
No. 11 of 2020 arising out of Chanpatia P.S. Case No. 515 of
2018 registered for the offences punishable under Sections 341,
342, 323, 307, 387, 504, 506, 120-B, 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, on 17.12.2018 the
informant was taking his father to his school and when they
reached at Siswaniya More near Choudhur Tola, they were



intercepted by three persons boarded on two motorcycles and started abusing the informant and his father, saying that the father of the informant refused to pay extortion money. In the meantime, at the instigation of Diwakar Pathak and Naveen Barnwal, Vinay Pathak fired at his father and ran away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of the co-accused Navin Barnwal and Anand Kumar. Similarly, co-accused, namely, Navin Barnwal and Anand Kumar have been granted bail by a co-ordinate Bench of this court vide order dated 09.05.2019 passed in Cr. Misc. No. 30622 of 2019 and order dated 19.07.2019 passed in Cr. Misc. No. 35301 of 2019. The case of the petitioner is better footing and the petitioner is in custody since 13.08.2019.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

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 8th Additional Sessions Judge, West Champaran at Bettiah in connection with Sessions Trial No. 11 of 2020 arising out of Chanpatia P.S. Case No. 515 of 2018, 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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