

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16962 of 2022

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

Tara Chand S/o- Deep Chand Resident of Village - Bhojpur Narayanpur, P.S. -
Kadar Chowk, District - Badayue (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Barahiya
P.S. Case No. 6 of 2022 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-B)A, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.01.2022.

The allegation against the petitioner is to participate in
the preparation of dacoity, alongwith other co-accused persons
and while participating in the preparation, found in possession
of one country made pistol alongwith nine live cartridges.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is law abiding citizen having clean antecedent and due to dispute arises out of business activities, has been falsely implicated in this case. It is submitted that the compliance of Section 100 of Cr.P.C. is not made while preparing the seizure list of fire arms, as alleged to be recovered from the possession of the petitioner. It is further submitted that other other co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 12134 of 2022 dated 24.02.2022. While concluding the argument, it is submitted that petitioner is a man 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest that the petitioner was found involved in the preparation of dacoity coupled with the fact that petitioner is a man of clean antecedent and chargesheet has already been submitted, let the petitioner, above named, is 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) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II, Lakhisarai/concerned Court, subject to the following conditions:

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

(ii) That accused/petitioner 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 petitioner.

(iii) Accused/Petitioner 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 petitioner, duly supported by
the documents.

(iv) That one of the bailors shall be
Dharam Singh, who is the brother-in-law
(*sala*) of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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