

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21087 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- BAJPATTI District- Sitamarhi

Brajesh Bharti S/O Lalbabu Mahto R/o village- Sonbarsa, Ward No. 11, P.S.-
Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Advocate.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Madhubala Verma, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bajpatti P. S. Case No. 13 of 2022 registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Section 25 (1-b)a, 26, 35 of the Arms Act and Section 8/20 (b) (ii) (c)/22 Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, it is alleged that the



Police, on a secret information that 12-13 miscreants have assembled in an orchard to commit some crime, raided the said orchard and three persons, namely, Md. Gulab Mansoori, Nasim Nadaf and Hassan Mansoori were apprehended. It is further alleged that the apprehended persons disclosed that 4-5 days ago they had taken a vehicle from this petitioner on rent for committing the crime. It is also alleged that all the accused persons have committed *docoity*, thereafter, the looted articles were sold to co-accused Kaplishwar Kumar @ Kapileshwar Sah, on whose confession the recovery has been made from the accused persons.

Learned counsel appearing on behalf of the petitioner submitted that prima facie from the F.I.R., it is evident save and except the allegation that the accused persons used to take vehicle of this petitioner on rent, there is no other allegation showing complicity of the petitioner in any of the crime. It is further submitted that the petitioner was neither arrested at the spot nor any other incriminating material has been recovered from his conscious and constructive possession. It is next submitted that the petitioner is a businessman, having registered firm running in the name of Chandra Enterprises and he has no concern with the alleged crime. It is also submitted that the said



vehicle was seized by the informant from other place and not at the place of occurrence.

On the other hand, learned APP for the State opposes the bail application and submits that the complicity of the petitioner has come during the course of investigation.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation to the only extent that he used to provide vehicle on rent and there is no other allegation or any incriminating material suggesting the complicity of the petitioner in the present crime and moreover, he is in custody since 22.01.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S. Act), Sitamarhi in connection with Bajpatti P. S. Case No. 13 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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