

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32496 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Bambam Tanti Son of Deena Tanti @ Dinesh Tanti Resident of Village-
Rehua, Police Station- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-02-2022 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 Lakhisarai P.S.
Case No. 40 of 2021 registered for the offences punishable
under Sections 302, 120(B)/34 of the Indian Penal Code and
Section 27 of Arms Act.

According to prosecution case, the father of the
informant went out from his house saying that he would return
after a walk. When his father went, he was accompanied with
his villagers namely Chandan Kumar, Gheena Yadav, Ajay



Yadav, Bambam Tanti and Amit Kumar (Belu singh). The Amit Kumar came running towards the village and told that there was a quarrel among Bablu Singh and Chandan Kumar, Gheena Yadav, Ajay Yadav, Bambam Tanti and others. His family members went to the Bathan of Doral Yadav and saw that some persons were taking his father towards Orchard after shooting him. On Hulla, many villagers assembled there, then culprits fled away leaving his father there. His father died because of pellet injury.

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 there is no eye witness of the alleged occurrence and petitioner has been made accused only on the basis of suspicion. He further submits that charge sheet has been submitted in this case on 16.04.2021. He further submits that similarly situated, co-accused, namely, Gheena Yadav and Ajay Yadav have been granted bail by a co-ordinate Bench of this court vide order dated 29.1.2021 passed in Cr. Misc. No. 40014 of 2021. The petitioner is in custody since 18.01.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries



one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 40 of 2021, 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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