

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22978 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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AKHILESH KUMAR S/o Parma Sah @ Param Sah @ Prama Sah Resident
of Village - Machharagawa, P.S.- Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with Bettiah
Town P.S. Case No. 169 of 2021 registered for the offence under
Sections 328 and 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.03.2021.

The allegation against the petitioner is to causing
hurt to brother of the informant by administering
intoxicant/unwholesome drugs with intent to commit theft and



while committing so, taken away mobile, purse, silver bracelet and golden ring of the brother of the informant.

Learned counsel appearing on behalf of the petitioner submitted that despite of the fact that the informant is the eye-witness of the occurrence, petitioner has never been put on TIP. It is submitted that the recovered items as purse, silver bracelet and golden ring etc. are without any specifications, as such, it cannot be said that same belongs to the brother of the informant. It is also submitted that present FIR was lodged with delay of five (05) days without any just explanation. It has further been submitted that alleged recovered medicine i.e. psychotropic substances were not sent to Forensic Science Laboratory (FSL) for examination. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that FIR was lodged with delay of five(05) days, where petitioner is not named in FIR.

Considering the facts and circumstances as mentioned above, as no TIP was conducted despite of claim to identify,



where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted without obtaining forensic/chemical report of the alleged seized drugs/psychotropic substances, let the petitioner, above named, is directed to be released on bail in connection with Bettiah Town P.S. Case No. 169 of 2021 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 & Sessions Judge-III, Bettiah, West Champaran/concerned court, subject to the following conditions:

“(i) That 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.

(ii) 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.

(iii) That one of the bailors shall be Parma Sah @ Param Sah @ Prama Sah,



*who is the father of the petitioner and
deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

R.S.Sen/-

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