

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41993 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- BAJPATTI District- Sitamarhi

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BECHAN KUMAR S/O RAJESHWAR SAH R/o village- Madhuban Bajar,  
P.S.- Bajpatti, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-01-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Bajpatti P.S. Case No. 42 of 2021 registered for the offence under Sections 399, 402 and 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner along with other six criminals armed with various weapons are said to have been hatching a conspiracy for commission of dacoity. On search and seizure made by police, one Apache motorcycle bearing registration No. BR-30X-7539 without any valid paper has been recovered from



the possession of petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. The alleged motorcycle which is said to have been recovered from the possession of the petitioner is not a stolen one and it belongs to the co-accused, Raja Kumar and this petitioner has no concern with the alleged motorcycle. The F.I.R. itself suggests that no arms or cartridges have been recovered from the possession of the petitioner rather the same have been recovered from the possession of the co-accused, Saroj Kumar. The petitioner is rotting in judicial custody since 26.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one as is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 42 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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