

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39980 of 2022**

Arising Out of PS. Case No.-157 Year-2019 Thana- ADAPUR District- East Champaran

RAJTILAK SINGH @ SUMIT SINGH @ SUMIT KUMAR @ RAJTILAK
@ LALTENWA Son of Ashok Singh @ Ashok Kumar Singh Resident of
Village - Tajiyapur, P.S.- Pipra, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Adapur P.S. Case No. 157 of 2019 registered for the offences
punishable under Sections 395, 397 of the I.P.C. and Section 27
of the Arms Act.

As per prosecution case, four unknown miscreants
looted the amount of six lakh from the counter of the
informant's shop and fled away.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. His name has been surfaced



upon the confessional statement of co-accused persons, namely Dipak Baitha, Santosh Sahani and Vivek Singh. Petitioner is in custody since 22.07.2021 and bears criminal antecedent of twenty-two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no TIP has been conducted. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner having criminal antecedents of several cases and he has been remanded in one case after another just as a routine matter upon the confessional statement of co-accused. There is nothing on record to connect the present petitioner with alleged occurrence except confessional statement of co-accused. He further submits that co-accused persons namely, Dipak Baitha, Santosh Sahani and Vivek Singh have already been granted bail by the co-ordinate bench of this Court by Annexure-2 series of the bail petition and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, on basis of principle of parity in which co-accused persons have already been granted bail by co-



ordinate bench, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Adapur P.S. Case No. 157 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall



continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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