

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45436 of 2022

Arising Out of PS. Case No.-233 Year-2018 Thana- PARSA District- Saran

ANAND RAM Son of Raj Kishore Ram Resident of Village - Pojhi, P.s.-
Derni, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Parsa
P.S. Case No. 233 of 2018 registered for the offences punishable
under Section 399 and 402 of IPC read with 25(1-b)a, 26 Arms
Act.

As per prosecution case, informant alongwith police
force proceeded towards parsa high school and on seeing the
police party one person was running away and was apprehended
and disclosed his name as Manoj Kumar Pathak and it is alleged
that one country made pistol alongwith one live cartridge was
recovered from his possession.



Learned counsel for the petitioner submits that petitioner is not named in the FIR. His name has been transpired in the case upon the confessional statement of co-accused Manoj Kumar Pathak. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 08.02.2019 and bears criminal antecedent of three cases in which he is on bail in 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 incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Manoj Kumar Pathak upon whose confessional statement the name of present petitioner has been surfaced, has already been granted bail vide Cr. Misc. No. 14961 of 2019 by co-ordinate bench of this court and the case of present petitioner stands on better footing. He further submits that this case is running on appearance and the said case has not been disposed of till now.

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, nothing has been recovered from the possession of the petitioner, 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 Additional District and Sessions Judge 1st,Saran at Chapra in connection with Parsa P.S. Case No.233 of 2018, 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.

(Alok Kumar Pandey, J)

vashudha/-

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