

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69954 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- CHAKIA District- East Champaran

Harendra Ram Son of Late Jamun Ram Resident of Village - Dharampur,
P.S.- Chakiya, District - Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, on 24.05.2020 one Sunita Devi gave a written report to the Officer-in-Charge, Chakiya police station alleging therein that on 23.01.2020 she alongwith her family member was in the house in the meanwhile the F.I.R. named accused persons including the petitioner came there riding on two motorcycle and took away the husband of the informant. Later on when he did not return



then the family member started searching him and in course of search. They saw that co-accused Kundan Thakur fire upon her husband and due to which he died and thereafter the accused persons fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is specific allegation of assault is against the co-accused namely, Kundan Thakur. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, namely Savitesh Singh @ Sabitesh Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 21.10.2021 passed in Cr. Misc. No. 16520 of 2021. The petitioner is in custody since 26.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Chakiya



P.S. Case No. 183 of 2020, 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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