

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72282 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- TATARPUR District- Bhagalpur

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BIRAN RAJAK SON OF SUJIT RAJAK @ SUJIT KUMAR RAJAK
RESIDENT OF MOHALLA - GUMATI NO 12, LALUCHAK HIRU
LODGE, PS- ISHAKCHAK DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-08-2022 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
Tatarpur P.S. Case No. 96 of 2021, G.R. No. 2217/2021
registered for the offences punishable under Sections 392, 411
of the Indian Penal Code.

As per prosecution case, the petitioner along with
two others assaulted the informant in Dharamshala and also
snatched silver chain from informant's neck and rupees 830
from informant's pocket. Informant raised alarm on which
nearby people and police party came and caught the petitioner



and others. On search, a chain was recovered from possession of the petitioner. It is also alleged that Rs. 500/- was recovered from possession of co-accused Abdul Noor and Rs. 330/- was recovered from possession of co-accused Md. Badsah.

Learned counsel for the petitioner submits that petitioner is in custody since 01.06.2021 and bears no criminal antecedent. Petitioner is quite innocent and has committed no offence and he has falsely been implicated in the present case merely on suspicion. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that looted article was recovered from possession of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **if the trial is not concluded within six months from the date of receipt/production of copy of this order** on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with Tatarpur P.S. Case No. 96 of 2021, G.R. No. 2217/2021, 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)

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