

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21740 of 2023

Arising Out of PS. Case No.-591 Year-2022 Thana- JOGAPATTI District- West Champaran

1. KANHAIYA RAM S/o Late Jhapas Ram R/o Village- Basopatti, P.S.- Yogapatti (Sanichari), Distt- West Champaran.
2. Krishna Ram S/o Late Jhapas Ram R/o Village- Basopatti, P.S.- Yogapatti (Sanichari), Distt- West Champaran.
3. Bhushan Ram S/o Late Jhapas Ram R/o Village- Basopatti, P.S.- Yogapatti (Sanichari), Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioners and A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioners seek bail in connection with Bajpatti P.S. Case No. 263 of 2022 registered for the offence under Sections 302/34 of the Indian Penal Code.

The case relates to commission of loot in the house of the informant.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated



in this case. He further submits that on bare perusal of the F.I.R., it appears that the no case under Section 386 of the Indian Penal Code is made out against the petitioners. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that there is case and counter case between the parties. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 11.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries two cases, petitioner No.2 carries two cases and petitioner No.3 carries one case than the present one.

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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti (Sanichari) P.S. Case No. 591 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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