

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23643 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- CHAKIA District- East Champaran

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Anil Ram S/o Sahdeo Ram Resident of Village- Batrauliya, P.S.- Saraiya,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-03-2023 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 401, 414, 34 of the Indian

Penal Code.

As per the F.I.R. the police intercepted an Auto and

upon search behind the seat, a bag was recovered from which

gold ornaments, some cash as also a mobile phone were

recovered and those persons who were sitting in the Auto failed

to provide any document relating to it, were subsequently

arrested.

Learned counsel for the petitioner submits that the



petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that recovery has been made from the tempo in question and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is neither the owner nor the driver of the tempo in question and only on the basis of suspicion, the petitioner has been falsely implicated in the present case and there is non-compliance of Section 100 of the Cr. P.C. He further submits that similarly situated co-accused Uday Dhamin has been granted bail by a Coordinate Bench of this Court vide order dated 26.08.2022 in Cr. Misc. No. 26998 of 2022 and the police after investigation submitted chargesheet against the petitioner. The petitioner is in custody since 28.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, 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 Court below where the case is pending in connection with Chakia P.S. Case No. 37 of 2022, with 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 witness, 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

