

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21714 of 2022

Arising Out of PS. Case No.-193 Year-2015 Thana- CHHAURADANO District- East
Champaran

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RAM BHAROSH DAS @ BABA @ MAHARAJ JEE Son of Late Kamal
Ray @ Kamal Rai Chela of Mahanth Awadh Bihari Das, R/o Village -
Bhitgharwa, P.S. - Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-01-2023 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

Chhauradano P.S. Case No. 193 of 2015 registered for the

offences punishable under Sections 387, 34 of the Indian Penal

Code read with Section 27 of the Arms Act and Section ¾ of

Explosive Substance Act.

As per prosecution case, there is allegation of

demanding ransom money from the informant through mobile

no. 7322921078.

Learned counsel for the petitioner submits that



petitioner is in custody since 16.11.2019 and bears criminal antecedent of seven cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has falsely been implicated in the present case merely on suspicion. Learned counsel for the petitioner submits that petitioner is not named in F.I.R.. The name of the petitioner has been surfaced in this case upon the confessional statement of the co-accused as mentioned in Para 30 of case diary. No T.I.P. has been conducted uptill now. Except the confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel for the petitioner submits that no incriminating article has been recovered from the possession of the petitioner as petitioner is not holder of the mobile no. in question.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

A report was called from the concerned court with regard to the present stage of trial. The learned trial court vide letter no. 545 dated 12.08.2022 has sent progress report of trial which clearly indicates that charges have been framed and presently the record is running for prosecution evidence and



summons have already been issued to prosecution witnesses. The aforesaid report also indicates that the delay of trial is not attributable to the present petitioner as petitioner is in custody since 16.11.2019.

Considering the facts and circumstances of the case, period of custody is more than three years, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 193 of 2015, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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