

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43105 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- DHANAH District- West Champaran

ASHWANI KUMAR BHARTI Son of Rammani Bharti Resident of Village -
Sirisiya, Ward no.1, P.s.- Rampur Karkhana, Distt.- Dewariya (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 395, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, on 15.04.2022 at about
8.00 A.M., six criminals came on two motorcycles at the
Jewellery shop of the informant and his brother and looted
several gold and silver ornaments from both the shops
amounting to Rs.22 lacs.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of self confessional statement of petitioner and no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that on the basis of confessional statement of petitioner, one shirt and one shoe have been recovered and no looted articles have been recovered from the possession or from the house of the petitioner. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.05.2022.

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 Dhanaha P.S. Case No. 89/2022, 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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