

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49231 of 2022

Arising Out of PS. Case No.-214 Year-2020 Thana- TRIVENIGANJ District- Supaul

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BALWANT SARDAR @ AMIT KUMAR SON OF GUMESH SARDAR
R/O VILLAGE- BARIYAH, P.S.- SHANKARPUR, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 49647 of 2022

Arising Out of PS. Case No.-214 Year-2020 Thana- TRIVENIGANJ District- Supaul

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PRAMOD TATMA @ PRAMOD RISHI Son of Baldeo Tatma Resident of
Village - Bariyahi, P.S.- Shankarpur, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 49231 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

(In CRIMINAL MISCELLANEOUS No. 49647 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in a case registered for

the offence under Sections 394 and 307 of the Indian Penal

Code and Section 27 of the Arms Act.

According to the prosecution, while the informant



was going, some accused persons came and assaulted him with the butt of pistol and snatched away a cash of Rs. 53,700/-

Learned counsel appearing for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner, namely, Pramod Tatma @ Pramod Rishi has not been named in the F.I.R. but his name transpired in this case on the confession of co-accused, namely, Balwant Sardar @ Amit Kumar, who is also petitioner before this Court. He further submits that nothing has been recovered from the conscious possession of the petitioners or house of the petitioners nor the petitioners have been put on T.I.P. by the prosecution as yet. He further submits that no arms as alleged in the F.I.R. has been recovered from any of the petitioners, therefore, no case attracting the provisions of Arms Act is made out against these petitioners. He further submits that save and except the confession of the co-accused, Balwant Sardar @ Amit Kumar, no cogent material has surfaced against the petitioners during course of investigation. He further submits that the police after investigation has submitted charge-sheet in this case against



the petitioners. The petitioner, namely, Balwant Sardar @ Amit Kumar is rotting in judicial custody since 27.04.2022 whereas the petitioner, Pramod Tatma @ Pramod Rishi has been languishing in custody since 10.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner, namely, Balwant Sardar @ Amit Kumar carries six more cases other than the present one and the petitioner, namely, Pramod Tatma @ Pramod Rishi carries eight more cases excluding the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Court below where the case is pending in connection with Triveniganj P.S. Case No. 214 of 2020 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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