

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52327 of 2023

Arising Out of PS. Case No.-453 Year-2019 Thana- ALOULI District- Khagaria

VIKRAM TANTI Son of Upendra Tanti Resident of village - Dharhaba, P.S. -
Bithan, distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is an accused in connection with Alauli P.S. Case No. 453 of 2019 registered for the offences under sections 147, 302, 34 and 120B of the Indian Penal Code lodged on 28.12.2019 by the informant, Rajesh Kumar.

As per the prosecution story, the informant alleged that while returning home, the accused persons on motorcycle intercepted and on the order of Angad Rai and Shiv Shankar Rai, he was forced to sit on motorcycle. Further, allegation is that as they spot the villagers, upon order of Shiv Shankar Rai and Angad Rai, Siko Rai @ Niranjan Rai opened fire causing injury on the informant's brother. He was subsequently taken to the hospital but died. Accordingly, the FIR.

It is the case of the petitioner that he is not named in



the FIR, roles have been attributed to accuseds inasmuch as the informant has given the name of the order giver as also the person who opened fire. Subsequently, one Md. Rashid with whom he is not in good terms, was picked up and he in his confessional statement named him which led to his custody.

It is his submission that he is in custody since 14.07.2022 (as stated in paragraph 15 of the bail application) and till date, no T.I. Parade has been done.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid facts as also that he is neither the order giver nor the main assailant, has remained in custody since 14.07.2022, charge sheet already submitted and will be facing the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of J.M., Khagaria in connection with Alauli P.S. Case No. 453 of 2019, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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