

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61681 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- KOTWA District- East Champaran

Ram Pravesh Kumar Son of Dashrath Singh R/o vill - Boring Chauk, P.S. -
Turkauliya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 27.03.2023, in connection with Kotwa P.S. Case No. 94 of 2023, F.I.R. dated 11.03.2023 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

3. As per the prosecution case, in brief, is that the informant alleged that while he was moving on a pick-up van loaded with chicken worth Rs. 2,33,301/-, a Bolero vehilce over took him, 8-10 persons came out, abused him and started breaking door of his pick-up van and committed mar-pit with him. The informant further alleged that he identified some miscreants who belonged to his Nanihal. During course of mar-pit miscreants snatched Rs. 70,000/-, wrist watch and mobile



phone. All the accused persons including the petitioner assaulted the informant with sharp cutting weapon causing injuries in his head, chest and abdomen. He further alleged that the accused persons looted away the pick-up van and on the basis of GPS system present in the pick-up van, it was found that the same is being unloaded at the house of Aliyas and Naseem.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner although on the basis of the confessional statement of co-accused persons, the vehicle in question has been recovered and nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that co-accused person namely Afsar Khan has been granted bail by a Coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 54991 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional



statement of co-accused person looted vehicle has been recovered and apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, 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 13th Additional Sessions Judge, Motihari, East Champaran in connection with Kotwa P.S. Case No. 94 of 2023, 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 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.

(Rajesh Kumar Verma, J)

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