

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62123 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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Tapesh Kumar @ Tappa S/O Surendra Yadav Resident of Village- Kharaiya
Basti, Ward no- 10, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
30.11.2021 in connection with K. Nagar P.S. Case No. 314 of
2021, F.I.R. dated 19.07.2021 for the offences punishable under
Section 394 of the Indian Penal Code and Section 27 of the
Arms Act and later on Sections 397 and 302 of the Indian Penal
Code was added.

4. According to prosecution case, the informant states
that his driver who was proceeding on his motorcycle was shot



by unknown accused persons who took away his motorcycle.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation of the basis of the confessional statement of the co-accused, namely, Rahul Kumar and till date no T.I.P. has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rahul Kumar @ Rahul has been granted bail by a co-ordinate Bench of this Court vide order dated 20.01.2023 passed in Cr. Misc. No. 40366 of 2022. The petitioner is in custody since 30.11.2021.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries six criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the six cases.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 314 of 2021, 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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