

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68761 of 2022

Arising Out of PS. Case No.-163 Year-2022 Thana- MADHEPURA District- Madhepura

TRIDEV @ SARKAR @ TRIDEV SARKAR @ TRIDEV KUMAR
SARKAR S/o Yogendra Sah R/o Village- Bharachi bazar near Masjid, P.S.-
Madhepura (Bharahi), Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.06.2022, in connection with Madhepura P.S. Case No.
163/2022, F.I.R. dated 22.02.2022, for the offences punishable
under Sections 341, 307, 504/34, 120B of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, there is allegation
against the petitioner that he along with other co-accused fired
upon the informant causing injury on his waist.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per



F.I.R. the allegation against the petitioner that he fired bullet upon the informant causing injury to him. He further submits that there was no intention to kill the informant and the injury is not on the vital part of the body of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.06.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has intentionally fired upon the informant.

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 C.J.M., Madhepura, in connection with Madhepura (bharahi) P.S. Case No. 163/2022, 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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