

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73495 of 2022

Arising Out of PS. Case No.-595 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

Sanjay Patel S/O Late Jagdish Patel Resident of village- Semra Belwa Tolla
(Jamla Road), P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
18.10.2022 in connection with Town P.S. Case No. 595 of 2022,
F.I.R. dated 20.05.2022 for the offences punishable under
Sections 447, 341, 323, 384, 379, 504, 506, 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, all the accused person
including the petitioner assaulted the husband of the informant
and demanded extortion from him and threatened to kill him. It



is further alleged that one accused person with an intention to kill the husband of the informant, fired upon him and the petitioner along with other accused person wrapped gamcha around the neck of the informant's husband and snatched gold chain and cash from him.

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 it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons but there is specific allegation against the petitioner and the accused, namely, Bhuta Patel who wrapped gamcha on the neck and also pressed the neck of the husband of the informant. He further submits that there is no medical evidence to support the allegation against the petitioner. The co-accused, namely, Vijay Patel against whom there is allegation of firing has been granted bail by a co-ordinate Bench of this Court vide order dated 07.04.2023 passed in Cr. Misc. No. 5192 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.10.2022.

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



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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 595 of 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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