

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74911 of 2022

Arising Out of PS. Case No.-340 Year-2019 Thana- BAKHARI District- Begusarai

VIKRAM DAS @ VIKRAM TANTI Son of Upendra Tanti R/v- Dharharva,
P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bakhari
P.S. Case No. 340 of 2019 dated 24.10.2019 registered for the
offence under Sections 394 and 307 of the Indian Penal Code and
Section 27 of the Arms Act.

The informant alleged that he sustained bullet injury
on his thigh while he was protesting his bag containing Rs.
5,05,000/- from the unknown miscreants, who were allegedly
snatching the bag of money.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on



the basis of confessional statement of the co-accused, Bhagwan Das, who has been apprehended by the police in connection with Alauli P.S. Case No. 282 of 2019. He further submits that the petitioner happens to be full brother of the co-accused, Bhagwan Das and on this count only, he has been made accused in this case whereas nothing has been recovered from the conscious possession of the petitioner. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Bhagwan Das has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.01.2021 passed in Cr. Misc. No. 34549 of 2020. The petitioner is rotting in judicial custody since 04.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but he fairly submits that he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial



Magistrate, Begusarai in connection with Bakhari P.S. Case No. 340 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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