

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2573 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- KOTWA District- East Champaran

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UMESH RAM Son of Vilash Ram @ Belash Ram Resident of village -
Madhurapur, P.S.- Pipara, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-06-2023 Heard learned counsel appearing on behalf of the

parties.

The petitioner seeks bail in connection with Kotwa
P.S. Case No.343 of 2022 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2022.

The allegation against the petitioner is to commit
dacoity along with other co-accused persons and while
committing so, taken away loaded truck with onion in
possession of informant.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner implicated falsely with the present
case, as there was a dispute related with wage, as petitioner was



the driver duly engaged by owner of the truck, which alleged to be looted. It is submitted that it appears not convincing that after kidnapping which took place at about 02:45AM, the alleged looted truck moved up to Bettiah only from Sitamarhi by 09:00 AM of the next morning. It is pointed out that movement of truck was in knowledge of the owner and therefore a case of false implication was made in formulated manner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is a man of clean antecedent, who is in custody since 28.08.2022, claiming to be driver of looted truck, let the petitioner, above named, is directed to be released on bail in connection with Kotwa P.S. Case No.343 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the following



conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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