

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18105 of 2024

Arising Out of PS. Case No.-122 Year-2020 Thana- ALOULI District- Khagaria

Bikram Tanti @ Vikram Tanti @ Vikram Das Son Of Upendra Tanti Resident
Of Village - Dharharwa, P.S. - Bithan, District - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2024 Heard Mr.Vijay Anand, learned counsel for the

petitioner and Mr.Akshay Lal Pandit, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
23.02.2021 in connection with S.Tr.No.196/21 (arising out of
Suppl. Alauli P.S. Case No. 122 of 2020), F.I.R. dated
11.04.2020 registered for the offence punishable under Sections
302/120B/307/34 of IPC and Section 27 of Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 18.08.2023 passed in Cr.Misc.No.4537
of 2023.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The allegation as alleged in the FIR is false and



fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that co-accused persons, namely, Md. Rasid @ Raja Mohammad, Kuladip Yadav and Subhash Chaupal @ Subhash Tanti have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 11.05.2022, 18.01.2023 and 13.12.2023 passed in Cr. Misc. Nos.5904 of 2022, 23592 of 2022 and 67167 of 2023 respectively and the case of the petitioner is on similar footing.

5. Earlier the prayer for bail of the petitioner was rejected only on the ground that prayer for bail of co-accused persons, namely, Kuladip Yadav has been rejected vide order dated 14.02.2022 passed in Cr. Misc. No.37958 of 2021. Learned counsel for the petitioner submits that now co-accused persons, namely, Kuladip Yadav has been granted bail vide order dated 18.01.2023 passed in Cr. Misc. No.23592 of 2022.

6. Vide order dated 13.03.2024, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 23.03.2024 reveals that the case is pending at the stage of appearance of prosecution due to absence of one of the accused and till date no prosecution witness has been examined.

7. Learned counsel for the petitioner submits that in



view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 23.02.2021 i.e. more than three years and other co-accused persons, against whom the similar allegation, have been granted bail by different Coordinate Benches of this Hon'ble Court.

8. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was involved in the crime in question and he alongwith other co-accused persons have indiscriminately fired upon the victim and apart from that, the petitioner carries twelve more cases other than the present one but he fairly submits that out of twelve cases, the petitioner is on bail in ten cases, and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

9. Considering the aforesaid facts, report of the learned trial court, period of custody and other co-accused persons, against whom the similar allegation, have been granted bail by different Coordinate Benches of this Hon'ble Court, 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 learned Additional



Sessions Judge-V, Khagaria in connection with S.Tr.No.196/21
(arising out of Suppl. Alauli P.S. Case No. 122 of 2020),with
the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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