

Arising Out of PS. Case No.-180 Year-2023 Thana- DUMARIAGHAT District- East
Champan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.
For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dumariyaghat P.S. Case No. 180 of 2023 lodged under Sections
394, 302 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against three unknown accused persons against whom there is allegation that they have attached on petrol pump and on oppose, firing has been made due to which one staff of the petrol pump died during treatment in the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that nothing incriminating has been recovered from his possession. He further submits that petitioner has been caught by the police due to the reason that his antecedent is not clean. Counsel submits that there are 2 criminal cases relating either to



robbery or dacoity pending against him and police has taken forceful confession from him, and thereafter, the two other persons have also been accused in this case.

5. Counsel submits that petitioner has not put on T.I.P. and he is in custody since 10.08.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that the allegation of National Highway robbery is against the petitioner and he has made confession of the same. Counsel also submits that antecedent of the petitioner is not clean.

7. Upon specific query that whether charge has been framed or not. Counsel submits that he is not aware about the framing of charge.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with B.P. No. 2577 of 2023 arising out of Dumarighat P.S. Case No. 180 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. However, the petitioner is granted bail only with condition that charge has been framed as well as annexing the certificate that he is not absconding in other two cases.

(Dr. Anshuman, J.)

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