

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13055 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- PURNEA SADAR District- Purnia

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DHARAM SARKAR @ DHARAMVIR SARKAR @ LAMBU Son of Late
Durgesh Sarkar Resident of K. Nagar Chowk, P.S.- K. Nagar, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-06-2020 The present petition has been taken up for

consideration through the mode of Video conferencing in view

of the prevailing lock-down on account of COVID 19

Pandemic, requiring social distancing.

Heard the learned counsel appearing for the
petitioner and Mr. Ashok Kumar, the learned APP appearing
for the State.

The petitioner seeks regular bail in connection with
Sadar P.S. Case No. 426 of 2019 for the offence punishable
under Sections 379/34 of the Indian Penal Code.

The case of the prosecution in brief is that the
informant who is driver of the tractor in question, was driving
the tractor from past three years, belonging to one Pawan



Kumar Sah and on 16.08.2019, one person namely Sheikh Khalik had taken the tractor on hire and brought the same to a hotel situated near MIT College, whereafter, the said Sk. Khalik had told the informant that the articles are to be loaded from there and taken to Manihari. In the meantime, two persons came there on a motorcycle without number plate. It is further alleged by the informant that the aforesaid Sk. Khalik forcibly took the informant with him to Girja Chowk for the purposes of bringing labourer and after they reached there, the said Sk. Khalik disappeared on the pretext of bringing labourer. Subsequently, after waiting for sometime, the informant went back to the place where he had parked the tractor, however, upon reaching there, he did not find the tractor.

The learned counsel for the petitioner has submitted that the petitioner has been falsely roped in the present case merely on the basis of the confessional statement of the co-accused namely Tabrej Alam. It is further submitted that the petitioner is accused in one more case and after the petitioner was arrested in the said case, he has been remanded in the present case on 2.1.2020. It is further submitted that though the tractor has been recovered but the same has not been recovered either from the conscious possession of the petitioner or from his



house and no Test Identification Parade has been held so as to connect the petitioner with the alleged crime. Lastly, it is submitted that the petitioner is languishing in custody since more than five months.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and taking into account the fact that neither the tractor in question has been recovered from the petitioner nor any T.I. Parade has been held so as to connect the petitioner with the alleged crime, this Court deems it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Sadar P.S. Case No. 426 of 2019.

(Mohit Kumar Shah, J)

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