

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12908 of 2021**

Arising Out of PS. Case No.-119 Year-2020 Thana- NARPATGANJ District- Araria

MD LAL Son of Shekh Moharram Resident of Ward No. 14 Balua Bazar
Road Near Masjid Sitapur, P.S.- Birpur, District - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Narpatganj P.S. Case No. 119/2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution story, the informant alleged that while he was returning from his relative and reached near Narohwa Mehta Tola three persons on a motorcycle came from his back and on the point of dagger snatched his motorcycle, cash, ATM card, Pan Card, Aadhar Card etc. and fled away.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from his possession and he is in custody since 18.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the F.I.R. is against unknown and during investigation petitioner has been taken on remand in the present case from Birpur P.S. Case No. 118/2020. In the said Birpur Police Station case petitioner has got bail and so far as the present case is concerned, there is no recovery of any incriminating article from the possession of the petitioner, till date he has not been put on Test Identification Parade and then in the impugned order it is stated that the informant has identified the petitioner on the basis of photographs shown by police which is not the procedure in accordance with law for identification of the accused in course of investigation and further submission that petitioner has remained in jail in connection with the present case since 18.08.2020, investigation against him is complete but the trial is not likely to be concluded



in near future, this Court directs release of the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Narpatganj P.S. Case No. 119/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

