

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4638 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- NARPATGANJ District- Araria

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DURGANAND RAM @ DURGANAND DAS SON OF BABUJI RAM R/o
village- Bhagwanpur Ward No. 03, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Narpatganj (Ghurna) P.S. Case No.73 of 2020 registered for the offence punishable under Section 394 of the Indian Penal Code.

As per the prosecution case, on 12.02.2020 the informant was going to his house from the Sasural house of her sister village Sahajpur (Supaul) with his Glamour motorcycle without registration plate and when he reached at Haripur Babuan, he



was assaulted by three persons who are coming from opposite direction by butt of pistol resulted in causing injuries on the head of the informant due to which he fell down along with his motorcycle and then all the three miscreants ran away by riding the motorcycle of the informant bearing Engine No. JAO61RJGI12492. The informant has identified some miscreants. He has also disclosed in the F.I.R. that before the alleged occurrence of motorcycle loot committed with the informant, few hours before the miscreants have also tried to snatch a motorcycle of Bikash Kumar son of Shambhu Yadav of village Maheshpatii.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. He is quite innocent and has not named in the F.I.R. The only material against the petitioner is that he has been arrested in connection with Birpur (Balua Bazar) P.S. Case No. 45 of 2020 and his confessional statement was recorded by the police in which he has admitted his complicity in the present occurrence and on the basis of which he has been remanded in this case. On the basis of confessional statement of petitioner himself petitioner made accused in the present case. He further submits that till date



petitioner has not been put on Test Identification parade. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.

The petitioner is accused in two more cases except to the present case and in those cases he is on bail as mentioned in para 3 of the bail application and he has been languishing in custody since 30.06.2020

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Ghurna) P.S. Case No. 73 of 2020 subject to the following conditions:

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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