

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5149 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- ARARIA District- Araria

Shyam Bahardar @ Shyam Kumar Bahardar, Son of Dip Narayan Bahardar,
Resident of Village - Madhubani, Ward No. 07, Amhara, Police Station -
Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Araria P.S. Case No. 07 of 2021 registered for the
alleged offences under Sections 392, 395 and 412 of the Indian
Penal Code.

As per prosecution case, unknown miscreants snatched
the four wheeler vehicle of the informant and the mobile phones of
the informant and his uncle. The name of the petitioner surfaced as
one of the accused persons during investigation.

Learned counsel for the petitioner submits that



petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. There is no recovery of any looted article from the conscious possession of this petitioner. The car used in the crime was recovered from the house of Sawood Alam and cash was recovered from the possession of co-accused Akhilesh Bahardar. The involvement of the petitioner was shown on the basis of tower location of mobile number of the petitioner. But, the petitioner is a resident of same area and it is quite natural that the mobile tower location was found in the same area and only on that basis the petitioner could not be made accused. The petitioner has no concern with other co-accused persons. He was not put to any Test Identification Parade. No material has come on the record against the petitioner regarding his complicity in the offence as alleged. Charge sheet has been submitted in this case and the petitioner is in custody since 06.04.2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up during investigation for being involved in the alleged offence.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner who was not apprehended from the spot and further considering lack of distinct material against this petitioner on record and considering the



submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 07 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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