

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69548 of 2021

Arising Out of PS. Case No.-522 Year-2019 Thana- NARPATGANJ District- Araria

Kulanand Bahardar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10785 of 2022

Arising Out of PS. Case No.-522 Year-2019 Thana- NARPATGANJ District- Araria

SANJAY YADAV

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69548 of 2021)

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar,APP

(In CRIMINAL MISCELLANEOUS No. 10785 of 2022)

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

For the Opposite Party/s : Mr.Surendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Since both the cases arise out of Narpatganj P.S.

Case No. 522 of 2019 as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks from the date of



resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Narpatganj P.S. Case No. 522 of 2019 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, three motorcycle borne miscreants over took the motorcycle of the informant and at gun point robbed him of his bag containing Rs. 1,12,829/-, Tab, biometric device, mobile phone and some documents. They also took away the keys of the motorcycle. The name of the petitioners transpired during course of investigation as accused persons.

It has been submitted on behalf of the petitioners that petitioners were not apprehended from the spot and nothing incriminating has been recovered from their person or possession. No Test Identification Parade has been held for identification of the accused persons. The petitioners have been named in this case on the basis of confessional statement of co-accused Ranjan Yadav and later on, the confessional statement of the petitioners were also recorded. Except for the confessional statements which are no admissible in the eyes of the law, there is nothing against this petitioners. Charge sheet



has been submitted in this case and the petitioners are in custody since 19.07.2021.

It has been submitted on behalf of the petitioner Kulanand Bahardar that the petitioner was having only three cases prior to his naming in this case and thereafter, he has been made accused in further six cases.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the fact that no recovery has been shown from the petitioners and nothing of substance came up on record to connect the petitioners with the alleged occurrence, and also considering their period of custody along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 522 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) The bail bond of the petitioners will



be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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