

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12109 of 2022**

Arising Out of PS. Case No.-184 Year-2020 Thana- KARAKAT District- Rohtas

Durgesh Kumar Son of Hirdyanand Prajapati @ Hirdayanand Ram Resident
of Village- Morouna, P.S.- Bikramganj, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Karakat
P.S. Case No. 184 of 2020 registered for the offence under
Sections 324, 307, 302 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 12.12.2020.

The allegation against the petitioner is to commit
murder of the father of the informant, alongwith other co-



accused persons. Informant is the eye witness of the occurrence.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of the F.I.R., it appears that informant is the eye witness of the occurrence, despite of the fact that petitioner was never put on T.I.P. It is submitted that name of the petitioner surfaced on the basis of one, Atal Bihari, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 55176 of 2021 dated 29.01.2022. It is further submitted that no incriminating material surfaced from the conscious possession of the petitioner in furtherance of the confessional statement, which may connect the petitioner with the present set of occurrence. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R. and also that he has not been put on T.I.P.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered or surfaced during the course of investigation in furtherance of the



confessional statement of co-accused, which may connect the petitioner with the present set of occurrence coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Karakat P.S. Case No. 184 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XV, Rohtas at Sasaram/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be
Hirdyanand Prajapati @ Haridayanand Ram,
who is the father of the petitioner and
deponent of the present bail petition.”

(Chandra Prakash Singh, J)

Ankit/-

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