

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17864 of 2022

Arising Out of PS. Case No.-442 Year-2020 Thana- BIKRAMGANJ District- Rohtas

DURGESH KUMAR S/o Haridayanandn Prajapati @ Haridayanand Ram R/o
village- Morauna, Durgadih, P.S.- Bikramganj, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Bikaramganj P.S. Case No. 442 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, four miscreants looted from the informant and his friend Rs. 78,550/-, two Tabs, Bio-Metric Devices, Payslip, Passbook and Aadhar Card along with mobile phone. During investigation, the name of the petitioner surfaced as one of the culprits.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case as has been apprehended by



the police merely on suspicion. Learned counsel further submits that the petitioner is not named in the FIR and on the basis of confessional statement of co-accused the name of the petitioner transpired in this case. Except for his confessional statement and the confessional statement of other co-accused persons, there is nothing against the petitioner. The petitioner was not put to any Test Identification Parade and nothing incriminating has been recovered from the possession of this petitioner. So, there is nothing against the petitioner except the confessional statement of the co-accused persons. Charge sheet has been submitted in the case and the petitioner is in custody since 22.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was named by the co-accused persons for his involvement in the offence. The petitioner is also having criminal antecedent.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that no recovery from the petitioner has been shown and he has not been identified by the informant or any of the witnesses and further considering the period of his custody along with the submission of charge sheet in this case, 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 Additional Chief Judicial



Magistrate, Bikramganj, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 442 of 2020, 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 petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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