

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35326 of 2021

Arising Out of PS. Case No.-18 Year-2013 Thana- DEWARIA District- Muzaffarpur

LAXMAN RAM, SON OF LATE BHABHIKSHAN RAM, R/O VILLAGE-
SHREE RAMPUR, P.S.- KATHAIYA, DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 20.10.2020,
seeks regular bail in connection with Deoriya P.S. Case No. 18
of 2013, for the offence punishable under Sections 366 and 402
of the Indian Penal Code.

The prosecution case, in brief, is that on 09.03.2013,
the informant along with other Police personnel were on
evening patrolling duty, in the meantime, at 08.00 P.M. he
received information that some dacoits have gathered near
Ramchandarpur college litchi orchard. The informant along with
other Police personnel went there, then on seeing the Police



personnel, 6-7 persons started fleeing. However, one person was apprehended, who disclosed his name as Ramdaresh Bhagat @ Darash Bhagat. Thereafter, search was made in presence of independent witnesses and one 2 feet long iron rods and mobile phone was recovered. The apprehended person also disclosed the name of his accomplices, including the petitioner, who succeeded to flee away. On the basis of this written complaint Police registered Deoriya P.S. Case No. 18 of 2013, dated 09.03.2013, for the offence punishable under Section 399 and 402 of Indian Penal Code against five accused persons, including the petitioner, and two unknown persons.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has surfaced in this case on the basis of confessional statement of one co-accused Ram Darash Bhagat @ Darash Bhagat. He further submits that he has made specific statement in paragraph-12 of the petition that the petitioner was remanded in this case after being arrested in connection with Baruraj P.S. Case No. 164 of 2020. He further submits that nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 20.10.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner



has been absconding from the year 2013 and he has having criminal antecedent.

Considering the aforementioned facts and circumstances of the case and the fact the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Ram Darash Bhagat @ Darash Bhagat and there is no allegation of tampering the evidence or influencing the witness and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II, Muzaffarpur in connection with Deoriya P.S. Case No. 18 of 2013, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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