

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28887 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- KAJRA District- Lakhisarai

MURARI KUMAR S/o Ranjit Singh @ Ranjit Prasad Singh Resident of
Village- Abhaypur Kasba, P.S.- Piribazar, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the

offence punishable under Section 394 of the Indian Penal Code.

As per allegation four criminals riding on a motorcycle

stopped the informant's motorcycle and thereafter assaulting him by

lathi and danta and took away his motorcycle.

The main submissions advanced by Sri Sharda Nand

Mishra, the learned counsel appearing for the petitioner are that the

petitioner is not named in the FIR and his name surfaced in this case

on the basis of statement of co-accused made before the police and

after his arrest in this case, he was not put on test identification

parade and looted motorcycle or any other incriminating article has

not been recovered from his possession and he has been languishing



in jail since 7.3.2022.

Sri Mithlesh Kumar Khare, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as order of the learned court below. FIR of the present case has been lodged against unknown persons, investigation has been completed in respect of the petitioner and he has taken the plea that after his arrest, looted motorcycle or any other incriminating article has not been recovered from his possession and he has not been put on test identification parade and the said defence has not been refuted by learned APP. While rejecting bail prayer of the petitioner, the learned court below mainly relied on criminal antecedent of the petitioner.

In the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai in Kajra P.S Case No. 41 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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