

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 47597 of 2021**

Arising Out of PS. Case No.-8 Year-2020 Thana- PIRPAINTI District- Bhagalpur

BINOD MURMUR Son of Late Chandra Murmur @ Shidhu Murmur
Resident of Village - Nimgachi, Police Station - Mirza Chowki, District -
Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Praveen Kumar, Advocate

For the Opposite Party/s : Mr Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Sessions Trial No 352 of
2021 arising out of Pirpainti Police Station (for brevity, *PS*)
Case No 8 of 2020 instituted for the offence punishable under
Section 394 of Indian Penal Code (for brevity, *IPC*) and Section
27 of Arms Act, but charge sheet has been filed under Sections
396, 397 of IPC.

The informant-driver has alleged that while he was on
his way to load stones, he was stopped by two persons with a
view to loot him. The two miscreants have allegedly damaged
the truck and snatched Rs 20,000/- from his pocket and fired



upon him which hit him on the back.

Petitioner's counsel submits that no incriminating material has been recovered from the petitioner's possession and he has not been put on Test Identification Parade till date. The petitioner was implicated, based on confessional statement of co-accused Raju Mahto in Mirza Chauki PS Case No 21 of 2020, whereafter he has been remanded in this case also, based on the same confessional statement. He is stated to be in custody since 05.01.2021 and charges have been framed on 19.07.2021. He has sought parity in the matter of granting bail, based on framing of charges with co-accused Raju Mahto, in terms of order dated 31.05.2021 passed by this Court in Cr Misc No 4698 of 2021 (Annexure 2).

The learned APP has opposed the prayer for bail.

Considering the rival submissions, the fact that charges have been framed and the petitioner has not been put on Test Identification Parade nor there is any incriminating article recovered from his possession, this Court is inclined to allow the prayer for bail, more so in view of the fact that his implication has been made on statement of co-accused, and since co-accused Raju Mahto has been allowed bail on framing of charges.



Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XII, Bhagalpur in Sessions Trial No 352 of 2021 arising out of Pirpanti PS Case No 8 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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