

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52887 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- NARPATGANJ District- Araria

Shyam Bahardar @ Shyam Bahardar, Son of Deepnarayan Bahardar Resident
of Village - Madhubani, Amhara, Ward no.7, P.S.- Forbisganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 20-07-2022 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 Narpatganj (Bathnaha) P.S. Case No. 55 of 2021 registered for the alleged offences under Sections 394, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant and one Aman Gupta were carrying Rs. 80,000/- and Rs. 1,20,000/- respectively, which was collected by them on behalf of their employer from the buyers of rice. Four unknown miscreants



robbed them of their money and mobile phone on gunpoint. The miscreants fired upon the informant and shot hit in his left thigh and they also shot Aman Gupta twice, who was declared brought dead in hospital. Later on, the name of the petitioner transpired as one of the accused persons during investigation.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused persons. Nothing incriminating has been recovered from the person/possession of the petitioner. No Test Identification Parade has been carried out to establish the identity of this petitioner for his involvement in the alleged occurrence. The charge sheet has been submitted in this case. The petitioner is accused in four other cases. Learned counsel further submits that the co-accused Monu Kumar Sharma, who named this petitioner in his confessional statement, has been granted bail by a Coordinate Bench of this Court vide order dated 11.05.2022 passed in Cr. Misc. No. 55680 of 2021 and the petitioner is in custody since 10.03.2021.

Learned APP opposes the prayer for bail submitting that petitioner was named by co-accused persons in their confessional statement, however, he has conceded that no



recovery has been made from the possession of the petitioner or at his instance.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and has not been put to Test Identification Parade and further considering his period of custody, the petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Bathnaha) P.S. Case No. 55 of 2021, subject to 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 the 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)

V.K.Pandey/-

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