

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68322 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- DERNI BAZAR District- Saran

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Agindeo Ram Son of Sugriv Ram Resident of Village Bhagwanpur, P.s.
Dariyapur, District - Saran, Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 18-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Derni
Bazar P.S. Case No. 99 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and unde Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.08.2021.

The allegation against the petitioner is to commit
murder of the father of informant, alongwith other co-accused
persons, while he was on his brick-kiln, by causing fire arm
injury, where earlier a ransom of Rs.50,000/- was also raised. It



is further alleged that the petitioner was active member of “Maoist” party, where a suspicion was available as deceased was a police spy.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not named in F.I.R., where name of petitioner surfaced on the basis of secret input provided by police spy, during the course of investigation. It is further submitted that no substantial evidence collected, which may connect to establish, *prima facie*, that petitioner was active member of “Moist” party. It is further submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 57061 of 2021 vide order dated 14.09.2022 and through Cr. Misc. No. 31043 of 2022 vide order dated 20.09.2022. It is also pointed out that the alleged recovered motorcycle is from the house of this petitioner, which is occupied by other family members and, as such, it cannot be said that recovery was made from his conscious physical possession, where seizure list is not even prepared by police, during the course of investigation, clearly indicating thereof, false implication of this petitioner. While concluding the argument, it has been submitted that name of petitioner



surfaced, as he found involved in 4 criminal cases, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as petitioner is not named in F.I.R., where no seizure list was prepared for alleged recovered motorcycle, which is the only ground of implication of petitioner in present case coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Derni P.S. Case No. 99 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chhapra/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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