

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9081 of 2016

Arising Out of PS.Case No. -44 Year- 2014 Thana -BEUR District- PATNA

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1. Deepak Kumar Son of Dinanath Prasad Resident of Nai Haweli Nadwan,
P.S. Dhanarua, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Anish Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 16-05-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 395 and 412 of the I.P.C

Allegedly, on 07.03.2014 five unknown criminals
looted Car and other belongings of the informant at the point of
pistols, co-accused Sanjay Rai @ Jitendra Rai and Prem Kumar @
Prince Kumar were apprehended by the police at Silliguri with the
looted Car, they were identified in the test identification parade
and in their confessional statement made before the police they
have named the petitioner and co-accused Dharmendra Kumar
also as their associates.

Submission is of false implication and that the
petitioner is in custody since 28.09.2015, he has not been put on

the test identification parade, nothing has been recovered from his conscious possession and three co-accused, namely, Dharmendra Yadav, Sanjay Rai and Prem Kumar @ Prince Kumar, who have put on trial, have already been acquitted, vide judgment dated 12.01.2016 in Sessions Trial No. 1062 of 2014, vide Annexure-2 to the supplementary affidavit, and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that three co-accused have been acquitted.

In the facts and circumstances as stated above, the petitioner is directed to 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 C.J.M. Patna in Beur P.S. Case No. 44 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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