

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31501 of 2016

Arising Out of PS.Case No. -95 Year- 2016 Thana -PATNA CITY CHOWK District- PATNA

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Deepak Kumar, S/o Sri Rajeshwar Rai, R/o Mohalla- Didarganj Near Govt.
of School, P.S- Didarganj, Distt- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Advocate

Mr. Arun Kumar, Advocate

For the Opposite Party : Mr. Sri Ashok Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-09-2016

Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Chowk P.S
Case No. 95 of 2016 registered for the offences punishable under
Sections 399, 402, 412 of the Indian Penal Code and section 25 (1-b)a
/25/ 35 of Arms Act.

Allegedly, the petitioner and other nine accused persons
were caught when they have assembled to commit crime and from
possession of the petitioner cash of Rs. 25,000/- and one live cartridge
.315 bore were recovered and further they confessed the guilt that
earlier they have committed dacoity in Patliputra Academy, wherein
cash of Rs. 2,15,000/- was looted and the amount was distributed
amongst them as per share.

Submission is of false implication and that no fire arm
was recovered from the possession of the petitioner, only one cartridge

has been shown to be recovered which is police plantation. The amount recovered is of the petitioner as the petitioner's father is running an N.G.O. and he used to pay salary and expenses to 110 employees working at different places. The amount was taken away by police from his house and falsely shown that it was in the pocket of the petitioner, the petitioner is suffering in custody since 25.05.2016, chargesheet has already been submitted and there is no chance of tempering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by pointing out those recoveries.

In the facts and circumstances stated above, the petitioner shall be released on bail after completing six months of custody on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Sushant Ranjan, J.M. Patna City in connection with Chowk P.S. Case No. 95 of 2016, subject to the conditions that one of the bailors must be 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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