

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19864 of 2019

Arising Out of PS. Case No.-383 Year-2018 Thana- RUPASPUR District- Patna

DEEPAK KUMAR Son of Upendra Singh @ Akhilesh Kumar Singh @ Abilesh Kumar, Resident of Jalalpur, Police Station- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Achintya Anand

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 04-07-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Rupaspur P.S. Case No. 383 of 2018**, instituted for the offence under Section(s) 379 and 411 of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence while the informant and his wife whose leg was fractured were sleeping in the house at about 1:00 a.m. his wife told him that someone is in the house. The informant started searching. During course of search, his wife said that one person fled away from the house. Thereafter, the informant could not sleep. He found nothing was missing. It is further alleged that in the morning at about 5:00 a.m. *Mukhiya* of the



village came to the house of the informant and told that Deepak Kumar (petitioner) has been arrested at P.N.B. ATM Khajpura while he was taking out Rs.24,500/- from the A.T.M. The informant went to the A.T.M. and found that Police arrested the petitioner. Petitioner has confessed that he has stolen the said ATM Card of SBI from the pocket of the informant. On search, the A.T.M. Card and Rs.24,500/- cash have been recovered from possession of the petitioner.

Counsel for the petitioner submits that petitioner has been arrested merely on suspicion. There is no eye witness to the occurrence. *Mukhiya* has taken the name of petitioner merely on suspicion.

Petitioner is in custody since 4.9.2018 having clean antecedent.

Keeping in view the period spent by the petitioner in custody, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, 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 **learned Additional Chief Judicial Magistrate-II, Danapur, Patna**, in connection with **Rupaspur P.S. Case No. 383 of 2018**, subject to the condition that both the bailors will be the close relatives of the



petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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