

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8142 of 2020

Arising Out of PS. Case No.-603 Year-2019 Thana- BUXAR District- Buxar

DEEPAK KUMAR @ DEEPAK KUMAR VERMA @ MANTU Son of
Shivjee Verma Resident of Village- Bari Tola, P.S.- Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-07-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in jail since 21.11.2019 in a case registered for the offences punishable under Section 392 of the IPC. Hence, prayer for bail has been made.

The prosecution case, as per the written report of Pankaj Kumar Verma submitted to the SHO, Buxar Town Police Station, is to the effect that on 23.8.2019, at the request of his friend Manish Verma, the informant opened his jewellery shop at 6.30 A.M. but in the meantime, three persons including Manish Verma entered into the shop and after blindfolding the eyes and face of the informant with a tape, robbed one kilogram



gold worth Rupees Thirty Lacs, other jewellery and mobile of the informant, leading to registration of the FIR against co-accused Manish Verma and two unknown. During investigation, Binod Seth and Madan were apprehended. Paragraph 136 of the case diary suggests that the petitioner made confession to the effect that he was in contact with the robbers and he facilitated the sale or melting of the looted jewellery and gold. Consequently, the recovery of 60 gram gold, and little more than 7 kilogram silver was made from the jewellery shop namely, Kritika Jewellers, of Binod Seth.

It is submitted by learned counsel for the petitioner that the petitioner's confession though was recorded on 20.11.2019 and the recovery was also made on the same day at 11.30 P.M., hence, it appears that in order to give a shape of recovery, the statement of the petitioner has been recorded to that effect. In 164 Cr.P.C. statement recorded in paragraph 160 of the case diary the witness Siddhu Bhimana has named only co-accused Binod Seth and Madan, who is employee of the jewellery shop from where recovery has been made and not the petitioner. It is further submitted that the petitioner has never been put on Test Identification parade and investigation has already been concluded. Statement has been made in paragraph 3 of the



petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the telephone call records and the confession of the petitioner suggest that the petitioner was in touch with the robbers.

Considering the fact that neither the petitioner nor the seized articles have been put on test identification parade, the investigation has already been concluded, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Buxar in connection with Buxar (Town) P.S. Case No. 603 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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