

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7746 of 2020

Arising Out of PS. Case No.-398 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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DEEPAK KUMAR Son of Kapildeo Yadav @ Kapildev Yadav Resident of
Village-Bhathwa Rup, P.S.-Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Adv.

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-06-2020 The matter has been taken up through virtual Court
proceeding.

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

The petitioner is languishing in custody since
04.11.2019 in a case registered for the offence punishable
under Section 395 of the Indian Penal Code.

The prosecution case as per the written report of Azad
Kumar submitted before the S.H.O., Gopalganj Town Police
Station is to the effect that on 21.08.2019 at 10.30 A.M., the
informant was returning from Patna to his native place, but on
the way, six accused persons, on one car intercepted the
petitioner and snatched away Rs.1300/- and two mobile phones,
leading to registration of FIR against unknown. During course of



investigation, on the statement of one co-accused, Bittu Kumar, the name of the petitioner sprang up.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR, but only on the basis of confessional statement of co-accused, he has been made accused. There is no recovery from the possession of the petitioner and till date the petitioner has not been put on Test Identification Parade. The investigation has already been concluded. It is further submitted that the petitioner was also remanded in two other cases of similar nature in which he has been granted bail.

Learned APP for the State submits that the petitioner is named in the present case on the basis of confessional statement of co-accused and he is accused in two other cases of similar nature.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused, there is no recovery from the possession of the petitioner, the petitioner has not been put on Test Identification Parade, 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, Gopalganj, in connection with Gopalganj (Town) P.S. Case No.398 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Gopalganj, in connection with Gopalganj (Town) P.S. Case No.398 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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