

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29040 of 2020

Arising Out of PS. Case No.-217 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Deepak Kumar, Son of Naulesh Prasad @ Avadhesh Prasad, Resident of
Village-Shivrampur, P.S.-Dhanarua, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr.Syed Ehteshamuddin, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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

The petitioner seeks bail in connection with Makhdumpur P.S. Case No.217 of 2018 registered for the



offence punishable under Section 395 of the Indian Penal Code.

The informant has alleged that his vehicle has been overtaken and intercepted by four persons and on gunpoint they have assaulted the informant and taken away cash and certain articles.

Counsel for the petitioner submits that no one has been named in the F.I.R. On the basis of confessional statement of co-accused Baiju Kumar alias Chapa, petitioner's name has been dragged in the instant case. Such implication has led to no recovery from the petitioner. He has not been put on T.I. Parade and implication is mainly due to criminal antecedents of the petitioner. The co-accused on whose statement the petitioner has been implicated, has been allowed bail in Cr.Misc. No.19456 of 2019, vide order dated 01.04.2019. The petitioner is in custody since 04.11.2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the learned A.D.J.-VI, Jehanabad, in connection with Makhdumpur P.S. Case No.217 of 2018, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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