

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18569 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- DHARHARA District- Munger

DEEPAK KUMAR Son of Arvind Mahto @ Khenu Kumar Mandal Resident of Village- Shivkund, P.S.- Dharhara, Distt- Munger, Presently residing at village- Nirpur, P.S.- Bariyarpur, Distt- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Dharhara P.S. Case No. 126 of 2020 registered for the offence under Section 399/403 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution story, while the informant got secret information that the accused persons have assembled at Sindhiya Road, Soti River Bridge and planning to commit offence, he reached at the place of occurrence and on seeing the police party all the accused persons started to flee away but on chase three persons were apprehended and they disclosed their name as Anoj Kumar, Bigandeo Kumar and Deepak Kumar (the petitioner) and they also disclosed the name of the accused

persons who were fled away. It is alleged that from the search of the accused persons country made pistol, iron rod were recovered and from the possession of the petitioner one black colour mobile of Oppo Company was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating article has been recovered from the possession of the petitioner and he is in custody since 02.08.2020.

Learned A.P.P. of the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that allegedly from the possession of the petitioner one black colour mobile of Oppo Company was recovered, petitioner has got no criminal antecedent but police has wrongly mentioned in paragraph 67 of the case diary that petitioner was accused in two cases i.e. Kasim Bazar P.S. Case No. 13/2015 and Kasim Bazar P.S. Case No. 87/2015, petitioner is said to be in custody in connection with this case since 02.08.2020, investigation against him is complete but the trial is not likely to take place in near future, in the circumstances this Court directs release of the petitioner above-named on bail on furnishing of

bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Munger, in connection with Dharhara P.S. Case No. 126/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Further condition that in view of the submission of the petitioner in paragraph '3', the learned court below shall call upon the Investigating Officer of this case to explain as to how the petitioner is an accused in two cases mentioned in paragraph 67 of the case diary and upon verification of the same within a period of three days from the date of receipt of a copy of this order, the bail bond of the petitioner shall be accepted.

If it is found that that the Investigating Officer has wrongly mentioned the criminal antecedent against the petitioner in the case diary the same will be brought to the notice of the Superintendent of Police, Munger.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.