

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25860 of 2021

Arising Out of PS. Case No.-23 Year-2018 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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DEEPAK KUMAR, Son of Subhash Singh, Resident of Village- Bariyarpur,
P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Adv.
For the Opposite Party/s : Mr.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 379, 341, 323, 414 and 34 of
the Indian Penal Code.

Prosecution case, in brief is that the informant has
alleged that on 13.03.2018 he was returning his house after
treatment of his sister by Patna Jhajha Passenger Train and when
the train reached near Bariyarpur village and stopped at the



outer signal, at that time three to four boys reached near the informant and snatched his Micromax mobile phone and started fleeing away. The informant further alleged that he also chased them and reached Bariyarpur village and caught the boy who snatched the mobile and then he called his villagers who came to his rescue and assaulted the informant and refused to return his mobile phone.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no any incriminating articles has been recovered from the conscious possession of the petitioner. On the basis of confessional statement of co-accused, namely, Gautam Kumar, he has been made accused in this case. From the said co-accused the stolen mobile phone had recovered. The petitioner is languishing in judicial custody since 07.05.2018. The petitioner has got 04 criminal antecedents which is mentioned in para 3 of the bail petition. The said similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 07.06.2018 passed in Cr. Misc. No.33195/2018.

Learned APP for the State vehemently opposed the prayer for bail application.



Considering the custody of the petitioner and co-accused has been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Bakhtiyarpur P.S. Case No. 23/2018 (G.R. No. 77/2018) to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.



(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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