

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29830 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- SITAMARHI District- Sitamarhi

Deepu Kumar @ Shibu @ Shibu Kumar, Son of Rajesh Kumar Bhagat @
Rajesh Kumar Resident of Village - Rajopatti, Ward No. 28, P.S. - Sitamarhi
and District – Sitamarhi. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 05.06.2020 seeks
bail in connection with Sitamarhi P.S. Case No.205 of 2020,
registered for the offence punishable under Section 392 of the
IPC.

Informant in his written complaint has alleged that
on 30.03.2020, while he along with his friend Rajesh Pandit was
passing Nahar Chowk at 10:30 pm on motorcycle from his
residence to Maa Janki Nandan Hospital, Ringh Bandh, Litchi
Bagan towards east, he was intercepted by three unknown
miscreants, who on the point of pistol, looted his motorcycle
and mobile phone and also looted cash of Rs. 6000/- along with



PAN, Aadhar, ATM etc from his friend Rajesh Pandit. FIR is against unknown.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner is not named in the FIR. The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Kameshwar Rai @ Panditwa. Nothing has been recovered from the possession of petitioner. Except confessional statement, there is no any other material against petitioner. Till date TIP of the petitioner has also not been conducted. Petitioner is in custody since 05.06.2020. Learned counsel further submits that one another accused, namely, Adil Hussain on whose confessional statement name of the petitioner has surfaced, has already been released on bail vide order dated 08.10.2021 passed in Cr. Misc. No.33079/2021.

Learned APP has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with



Sitamarhi P.S. Case No.205 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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