

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45818 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- TEGHRHA District- Begusarai

DEEPAK KUMAR Son of Rampravesh Das @ Ram Psrvesh Tanti Resident
of village - Daniyalpur, Ward No.04, P.S.- Teghra, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2021 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Akbar Ali, learned Additional Public
Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with Teghra PS Case No. 52/2020 registered for the offence
punishable under Sections 25 (1-b)a, 26 of the Arms Act
inasmuch as earlier bail application of the petitioner was
rejected *vide* order dated 25.11.2020 passed in Cr. Misc No.
23634/2020 (Annexure-1) with liberty to renew his prayer for
bail after six months, if the trial does not show any progress.

The allegation as per the First Information Report, is
that on N.H. 28, some miscreants robbed Rs. 4,90,000/- from
two persons. Consequently, on the basis of Mobile Phone used
for commission of the crime, a raid was conducted and the



petitioner was arrested from his house. The petitioner was interrogated and he accepted his complicity in the alleged robbery. It has further been alleged that from house of the petitioner, one loaded country made pistol and one live cartridge along with Rs. 50,000/- cash was recovered. The petitioner confessed this fact that he received Rs. 50,000/- as his share in the looted amount. The petitioner also disclosed the name of co-accused Krishna Kumar as one of his accomplices. Thereafter, the police raided the house of Krishna Kumar on the basis of confessional statement of the petitioner and, recovered a sum of Rs. 1,50,000/- cash, a country made pistol, one live cartridge and one Passion Pro Motorcycle.

Learned counsel for the petitioner submits that earlier while rejecting the bail application of the petitioner, this Court had given liberty to the petitioner to renew his prayer for bail after six months, if the trial does not show any progress. Learned counsel next submits that similarly situated co-accused, Krishna Kumar @ Kunal has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 23889/2020.

This Court *vide* its order dated 25.08.2021 had called for a report from learned Judicial Magistrate 1st Class, Begusarai regarding stage of trial and in pursuance thereof, the report *vide*



letter No. 57 dated 06.09.2021 has been received disclosing therein that total number of charge-sheet witnesses are nine and they are yet to be examined and the the case is pending at the stage of commitment.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is in custody since 29.02.2020, a similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 23889/2020, trial is not likely to be concluded in near future due to pandemic of COVID-19 and this is the second attempt for bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, DEEPAK KUMAR 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 Smt. Neha Kumari Bhalotia, learned Judicial Magistrate 1st Class, Begusarai/concerned court in connection with Teghra PS Case No. 52/2020.

(Anil Kumar Sinha, J)

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