

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36170 of 2020

Arising Out of PS. Case No.-135 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

Deepak Rai Son of Anil Rai Resident of Village - Doriganj Chirand, P.S. -
Doriganj, District - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-02-2021 Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 03.02.2019 in connection with Chapra Muffasil P.S. Case No. 135 of 2018 for the alleged offences under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion, except which there is no objective material to connect the petitioner with the alleged occurrence. The name of the petitioner has transpired in the extra judicial confessional statement of co-accused Tuntun Rai, Rakatu Kumar and Anshu Kumar, from whose possession recovery of one loaded automatic country made katta and live cartridges has been made. No incriminating articles have been recovered from the conscious possession of the petitioner. The petitioner has already suffered



about two years in custody.

4. Learned APP appears and invites reference to para 3 of the petition enumerating as many as 13 cases of similar nature in which the petitioner has been made accused.

5. Be that as it may and having regard to the period of custody already suffered since 03.02.2019, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIII, Chapra, Saran in connection with Chapra Muffasil P.S. Case No. 135 of 2018, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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