

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39718 of 2020

Arising Out of PS. Case No.-207 Year-2017 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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DEEPAK KUMAR Son of Subhash Singh Resident of Village- Bariyarpur,
P.S.- Bakhtiyarpur, Distt- 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. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of normal functioning of
the court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 356/379 of the Indian Penal
Code.

Informant has alleged that while he was going by
train, one of the three accused persons, gave a blow from Towel
upon him and his mobile phone fell down and when he asked
them to return his mobile they refused to return the same.



However, they returned his sim on demand. Thereafter, the informant, went to GRP who reported the matter and from the local people, name of three accused has been disclosed as Deepak Kumar, Shambhu Kumar and Shakti Kumar.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that no stolen article has been recovered from the possession of the petitioner. He submits that similarly situated co-accused has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 74318 of 2018 dated 17.12.2018. He further submits that petitioner is languishing in judicial custody since 07.05.2018.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Railway Court, Patna in connection with Bakhtiyarpur Rail P.S. Case No. 207 of 2017, G.R. No. 728 of 2017, subject to the 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 and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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.

(Anjani Kumar Sharan, J)

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