

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7094 of 2021**

Arising Out of PS. Case No.-98 Year-2020 Thana- ROSHANGANJ District- Gaya

Deepak Kumar @ Deepak Son Of Chanarik Chaudhary @ Chanarik Mallah  
@ Chandrak Chaudhari R/O Village- Tilaiya, P.S.- Bankey Bazar, District-  
Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      23-11-2021              Learned counsel for the petitioner undertakes to  
remove all the defects pointed out by the Stamp Reporter within  
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Raushanganj (Bankey Bazar) P.S. Case  
No. 98 of 2020 registered for the offence punishable under  
Section 414/34 of the Indian Penal Code. The petitioner has no  
criminal antecedent.

As per the prosecution story, police seized one Hero  
Passion Pro Motorcycle and one submersible motor left by thief.  
On investigation, it was found that the said motorcycle was used  
by one Akash @ Tomato for few days. Thereafter he was



arrested and confessed that he bought this motorcycle from one Dharmendra Kumar for Rs.8000/- as also disclosed the name of other co-accused persons including this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused and nothing has been recovered from the house or possession of the petitioner. The petitioner has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the uncontroverted submission of learned counsel for the petitioner that the petitioner has been made accused in this case on the basis of confessional statement of co-accused Akash @ Tomato, the recovery is not from the house or possession of the petitioner and further that the petitioner has got no criminal antecedent, this Court directs the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sheghati (Gaya) in connection with



Raushanganj (Bankey Bazar) P.S. Case No. 98 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

