

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9801 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- KATHAIYA District- Muzaffarpur

DEEPAK KUMAR SON OF DHANAI SAH R/O - DEVARIYA KOTHI
(MEHANDIGANJ), P.S.- DEVARIYA, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-06-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Kathaiya P.S. Case No. 12
of 2020, registered for the offence punishable under Section 392
of the Indian Penal Code.

As per the prosecution case, two unknown miscreants
riding on motorcycle intercepted the informant and his nephew
while they were travelling on motorcycle and on the gun point
snatched all the articles and a bag containing cash of Rs.
80,000/- and fled away.

It is submitted on behalf of the petitioner that
petitioner is not named in the FIR. During course of



investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Raushan Kumar who has been granted bail from the learned court below itself. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Similarly situated co-accused Md. Ibraj @ Md. Ebraj has been granted bail by this Hon'ble Court vide order dated 04.11.2020 passed in Cr. Misc. No. 27853 of 2020 vide Annexure-2. Petitioner is in custody since 15.03.2020.

Learned APP however, vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case and the fact that no incriminating article has been recovered from possession of this petitioner and till date TIP has not been held, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Kathaiya P.S. Case No. 12 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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