

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5140 of 2022

Arising Out of PS. Case No.-285 Year-2014 Thana- DIGHA District- Patna

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Deepak @ Deepak Kumar @ Deepak Sharma Son of Satish Kumar Resident
of Village- Moriyawan, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Digha

P.S. Case No. 285 of 2014 dated 11.11.2014 to G.R. No.

7237 of 2014, registered for the offence punishable under

Section 365 of the Indian Penal Code.

The prosecution story as emerges from the FIR is

that on 07.11.2014 the elder brother the informant went to

school but besides attending class he informed to his house

that he was going to meet his friend, Dipak, of village

Moriawan to enquire about the money transaction.

However, when he did not return by evening, his family



members tried to contact him on his mobile which was found switch off. Since then, they could not trace him.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that whole case of the accused-petitioner is based only on suspicion. He also submits that even after completion of the investigation, the only material available against the petitioner is the confessional statement of co-accused and the petitioner before the police, which has no evidentiary value in the eyes of law.

The petitioner has been languishing in jail since 11.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sri Aditya Kumar Singh, JM 1st Class, Patna in connection with Digha P.S. Case No. 285 of 2014 dated 11.11.2014 to G.R. No. 7237 of 2014 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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