

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17988 of 2021

Arising Out of PS. Case No.-187 Year-2018 Thana- SURSAND District- Sitamarhi

DEEPAK KUMAR @ LAKHAN @ LAKHAN KUMAR S/O LATE ASHOK
SRIVASTAVA R/o Mohalla- Basbariya, Ward No. 2, P.S.- Mehsoul (Nagar
Sitamarhi), District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 06-04-2022 The applicant/accused in Crime No. 187 of 2018, registered with Sursand Police Station for the offences punishable under Sections 392, 411 at the instance of first informant, Vikas Kumar, by this application is seeking release on bail during the pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that there is no iota of evidence against applicant and his name has figured in the subject crime only on the basis of confessional statement of Gunjan Kumar and Sunny Kumar. He further argues that co-accused with similar role namely, Keshav Singh, is directed to be released on bail by the Coordinate Bench of this Court .

The learned APP opposed the application by



contending that on earlier occasion, bail application of the present applicant is rejected and, therefore, the second bail cannot be entertained.

I have considered the submission so advanced and also perused the material placed before me including the earlier order dated 26.03.2020 passed by the Coordinate Bench of this Court. Unfortunately, the earlier order rejecting bail application of the applicant is not mentioned any reasons.

Be that as it may, it is case of prosecution that when first informant, Vikas Kumar along with his colleague, Awadh Paswan were going to railway station for effecting purchases from Kolkata, four robbers intercepted them and snatched a bag containing an amount of Rs. 1,10,000/- apart from the sale-phone.

The incident in question took place on 13.07.2018. The Chargeheet has already been filed. Thus, investigation is over. It is apparent that no test identification parade was conducted by the prosecution nor any recovery is affected from the applicant. His name figured on the basis of confessional statements of the co-accused. Such confession made before the police cannot be treated as evidence against the applicant. Co-accused, Keshav Singh, is already directed to be released on bail



by Coordinate Bench of this Court. It is reported that his name also surfaced on the basis of confessional statement of Gunjan and Sunny. Hence, on the principal of parity, the applicant deserve to be released on bail and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 187 of 2018, registered with Sursand Police Station for the offence punishable under Sections 392, 422 of the IPC, be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand) on furnishing surety of the like amount to the satisfaction of the trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused shall cooperate 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 the forfeited by the Court below.

(III) The applicant/accused should not contact the



members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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