

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12579 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- RAMPUR District- Gaya

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Deepu Kumar @ Dipu Kumar Son Of Balgovind Yadav R/O Village- Kandi
Nawada, P.S.- Chandauti And District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. R.N. Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Rampur P.S. Case No. 291 of 2021 for the
offences punishable under Sections 147, 148, 149, 307, 382,
353, 332 and 333 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged that the
petitioner along with 30-40 persons came and surrounded the
Circuit House, Gaya. It is further alleged that 30-40 persons
entered into the circuit house to release the loaded tractors from



the custody of the police. It is also alleged that accused persons fired due to which one constable received injuries. It is further alleged that the accused persons fled away with the tractors, however, they were identified through CCTV footage.

It is submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all the FIR named accused persons as well as unknown persons. It is further submitted that altogether 30-40 persons have been made accused in the present case and there is no specific allegation of firing against anyone. It is also submitted that from the record it is evident that on the alleged date of occurrence he was in custody in connection with Chandauti P.S. Case No. 264 of 2021 and in fact he was remanded in the present case on 24.09.2021 and since then he is in custody. It is further submitted that the aforesaid facts clearly demonstrates the high handedness of the police that irrespective of his non-presence at the place of occurrence his name has been implicated in this case. It is next submitted that the petitioner has no concern with the seized tractors which were kept in the circuit house. It is lastly submitted that the persons having identical allegations have already been granted bail by different Benches of this Court, copies of which have been produced before this Court



and the same has taken on record.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is specific allegation against the petitioner along with other accused persons and the petitioner is found involved in one another case.

Having heard the rival contentions of the parties and taking into consideration the fact that there is general and omnibus allegation, apart from the fact that other co-accused have already been granted bail by different Benches of this Court and petitioner is in custody since 24.09.2021, moreover, the investigation of the crime is completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 291 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling 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.

(Harish Kumar, J)

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