

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25831 of 2021

Arising Out of PS. Case No.-20 Year-2019 Thana- NALANDA District- Nalanda

Deepak Kumar Son Of Girani Paswan R/O Village- Dullachak, P.S.- Nalanda,
Dist.- Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Adv

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Nalanda P.S.Case No.20 of 2019 registered for the offence under Sections 396 of the Indian Penal Code.

According to F.I.R., unknown miscreants robbed the informant and caused firearm injury and death of the pillion rider on the motorcycle of the informant.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Dharam Raj Kuma @ Dharmraj Kumar. He



further submits that nothing has been recovered from the possession of the petitioner. He further submits that one live cartridge and two empty cartridges have been recovered from possession of co-accused, namely, Dharam Raj Kuma @ Dharmraj Kumar. He further submits that co-accused, namely, Ramdhani Paswan @ Ramadhin Paswan and Munna Paswan @ Rambabu Paswan have been granted bail vide order dated 03.02.2020 in Cr. Misc. No.49204 of 2019 and Cr.Misc.No.56627 of 2019 He further submits that other co-accused, namely, Ravi Paswan has been granted bail vide order dated 29.02.2020 in Cr. Misc. No.9893 of 2020. He further submits that co-accused, namely, Dharam Raj Kuma @ Dharmraj Kumar has been granted bail vide order dated 28.07.2021 in Cr. Misc. No.23505 of 2021 by different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 11.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Nalanda P.S. Case No.20 of 2019 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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