

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23023 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- SIKRAUL District- Buxar

Deepak Koiri Son Of Dudhnath Koiri @ Dudhnath Singh R/O Village-
Bijhaura, P.S.- Itarhi in the District Of Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.

For the Opposite Party/s : Mr. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Sunil Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Sikraul P. S. Case No. 49 of 2021
registered for the offences punishable under Sections 414 of the
Indian Penal Code and Section 25 (1-b)a, 26 and 35 of the Arms
Act.

As per the prosecution case, it is alleged that while
the Police party was moving in connection with the



investigation of another criminal case, on noticing the Police party some persons tried to flee away, however, this petitioner was apprehended. On search, one country-made pistol and three live cartridges and some cash have been recovered from the possession to this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner rather the recovery has been made from some different place but only because of the past criminal antecedent of the petitioner his name has been implicated in this case. It is further submitted that from the impugned order, it appears that the learned Sessions Court while rejecting the bail application taken note of pendency of eleven criminal cases against the petitioner though as per his instruction the petitioner is named in only nine cases out of the nine cases, in four cases as mentioned in paragraph 12 of the petition, the petitioner has already been acquitted from all the charges. It is next submitted that this petitioner is in custody since 05.05.2021, though the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that petitioner was



apprehended while he was carrying arms and ammunition and further this petitioner has multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the period of custody as also the investigation of the crime is already completed and the charge sheet has been submitted, apart from the fact that only because of the past criminal antecedent keeping the petitioner behind the bar would be serve no further purposes, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Court No. 13, Buxar in connection with Sikraul P. S. Case No. 49 of 2021, subject to the condition that one of the bailors will be the close relative 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 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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