

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25505 of 2022

Arising Out of PS. Case No.-564 Year-2019 Thana- PURNEA SADAR District- Purnia

Deepak Kumar Rai @ Deepak Kumar Son Of Late Kamal Kishore Rai @
Kamal Kishore Prasad R/O Village- Milanpara Khuskibagh, P.S.- Sadar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Smt. Soni Srivastava, Advocate
	:	Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302,120(B)/34 of IPC and 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected vide order dated 12.02.2021 passed in Cr. Misc. No.20088 of 2020. Thereafter, the petitioner again filed a bail petition bearing Cr. Misc. No.53278 of 2021 which was dismissed as withdrawn with liberty to move a fresh application



before the learned court below.

Learned counsel for the petitioner submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Mithu Kumar Sharma. Further submits that except confessional statement of the co-accused, nothing has come, during investigation, against the petitioner. Petitioner is in custody since 23.01.2020.

Vide order dated 22.06.2022, a report was called for with regard to the stage of the trial. Report dated 08.07.2022 reveals that the present stage of the case is for appearance of two accused persons.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sadar P.S. Case No.564 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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