

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39438 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- KALYANPUR District- East Champaran

Deepak Kumar @ Deepak Kumar Sahani Son of Rajeshvar Sahni Resident of
Village - Fultakiya, P.S.- Kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 28-06-2022 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. Abhishek 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 Kalyanpur P. S. Case No. 8 of 2021 registered for the offences punishable under Sections 25 (1-B)A, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that on 12.01.2021, during to course of patrolling duty, one tractor



driver informed to police personnel that two persons came on a motorcycle and looted away Rs. 1000/-. On the aforesaid information, the Police apprehended two persons including this petitioner. On search being made one country-made loaded pistol and one live cartridge was recovered from the possession of this petitioner and further Rs. 1,000/- was recovered from the possession of co-accused Pradip Kumar.

Learned counsel appearing on behalf of the petitioner submitted that, in fact, no such occurrence has taken place and only on account of overtaking of motorcycle some dispute arose and the driver of the tractor has falsely implicated the name of the petitioner in the present case. It is further submitted that with regard to the same occurrence, one another F.I.R. has been instituted by the tractor driver being Kalyanpur P. S. Case No. 9 of 2021 with almost similar allegation in which the petitioner has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 38196 of 2021 vide order dated 27.01.2022. It is also submitted that the co-accused Pradip Kumar, from whose possession looted money has been recovered, has also been granted bail by learned co-ordinate Bench of this Hon'ble Court. A copy of which has been brought as annexure 2 to the supplementary affidavit. It is next



submitted that the investigation of the crime has already been concluded and the charge-sheet has been submitted, though this petitioner is in custody since 15.01.2021 and as such, keeping the petitioner behind the bars would not serve any purpose.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that from the supplementary affidavit filed on behalf of the petitioner, it appears that the petitioner has been found involved in six other cases and he appears to be habitual offender. In response to the aforesaid contention, learned counsel for the petitioner submits that in all the cases, the petitioner is on bail and he is ready to give undertaking that he will not indulge in such type of crime in future.

Having considered the submissions made on behalf of the parties and taking into account the fact that the co-accused person from whose possession the looted money has been recovered has already been granted bail by learned co-ordinate Bench of this Hon'ble court and so far this petitioner is concerned, he is in custody since 15.01.2021 and moreover, the investigation of the crime has already been concluded and the charge-sheet has been submitted, 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 Additional Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P. S. Case No. 8 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)

shakir/-

U			
---	--	--	--

