

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36693 of 2022**

Arising Out of PS. Case No.-189 Year-2021 Thana- KHAJAUULI District- Madhubani

DEEPAK SAH @ DEEPAK KUMAR SAH Son of Baidyanath Sah @
Bajinath Sah Resident of village - Maniyarva, P.S.- Khajauli, District -
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.A.G, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 23-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Khajauli P.S. Case No. 189 of 2021 for the offences under
Sections 461, 379 of the Indian Penal Code.

As per the prosecution story, the informant who was
running a mobile shop alleged that unknown accused persons
entered and took away altogether two dozen mobile phones
which have already been incorporated in the FIR. Accordingly,
the Khajauli P.S. case was registered.

Learned counsel for the petitioner submits that



although he is in custody since 29.11.2021 neither, T.I. parade has been conducted nor anything has been recovered from his conscious possession or his house. He, however, concedes that he has around half a dozen criminal cases under his belt which led to his implication in this case also.

Learned APP, on the other hand, opposes the bail stating that not only he has criminal antecedent but during investigation his name has also cropped up.

Considering the fact that he is in custody since 29.11.2021 and as per the statement made in the bail application no T.I. parade has been done nor anything has been recovered from his conscious possession or his house, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to strict conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Madhubani in connection with Khajauli P.S. Case No. 189 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall leave the district of Madhubani for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (of his residence) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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