

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37940 of 2022

Arising Out of PS. Case No.-528 Year-2021 Thana- BEUR District- Patna

DEEPAK KUMAR Son of Mithilesh Kumar Resident of Village - Barhara,
P.O.- Kako, P.S.- Barhara, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunit Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Beur
P.S. Case No. 528 of 2021 registered for the offences punishable
under Sections 379 of the Indian Penal Code.

As per prosecution case, the informant parked the
motorcycle in question at the gate of Nokhlal Rai and after that
motorcycle was not there where it was parked. It is alleged that
unknown thief has stone the said motorcycle.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.04.2022. Petitioner bears one
criminal antecedent in which he is on bail. Charge sheet has



already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. During the course of investigation, on the confessional statement of Vivek Kumar the name of present petitioner has been surfaced in the present case. Except the confessional statement of co-accused Vivek Kumar nothing is on record which demonstrates involvement of the present petitioner in the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III-cum-Sub Judge – III, Civil Court, Patna Sadar in connection with Beur P.S. Case No. 528 of 2021, subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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