

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54836 of 2021

Arising Out of PS. Case No.-148 Year-2019 Thana- JHAJHA District- Jamui

Deepak Kumar Burnwal, S/O Bhagwan Lal Burnwal, R/O Village- Lakhai,
P.S.- Barhat, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 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.

Learned counsel for the petitioner is permitted to make necessary correction in para 1 and prayer portion of the bail application.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jhajha P.S. Case No. 148 of 2019 for the offences under Sections 392 and 411 of the Indian Penal Code.

The prosecution case is that on the alleged date of occurrence i.e. on 05.06.2019 while the informant was returning to his house by his motorcycle, in the meanwhile, two persons



came from another motorcycle and after overtaking the informant took away his motorcycle and mobile phone.

It is submitted on behalf of learned counsel for the petitioner that the petitioner is not named in the F.I.R. and his name has transpired on the basis of confessional statement of co-accused. It is further submitted that one similarly situated co-accused, namely, Rabindra Kumar Vishwakarma, whose name had also come in the confessional statement of co-accused, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 28883 of 2021 vide order dated 27.09.2021. Copy of the said order has been produced by the learned counsel for the petitioner, which is kept on record. It is further submitted that the petitioner is in custody since 19.06.2021, but till date he has not been put on TIP and moreover nothing was recovered from the possession of the petitioner.

On the other hand, learned APP for the State has submitted that the petitioner has been found involved in three other cases, on which the learned counsel for the petitioner drawn the attention of this Court towards paragraph 11 of the petition and has submitted that the petitioner has been remanded in the present case from another case bearing Jhajha P.S. Case No. 106 of 2019.



Having heard the learned counsel for the parties and taking into consideration the fact that the petitioner is not named in the FIR and his name has come on the basis of confessional statement of co-accused and furthermore, nothing has been recovered from the possession of the petitioner, let the petitioner, named above, 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 Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 148 of 2019 subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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