

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54484 of 2021

Arising Out of PS. Case No.-150 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Deepak Kumar, Son of Ram Pukar Sah, Resident of Village - Jamua, P.S.-
Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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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.

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

The petitioner seeks regular bail, who is in custody in
connection with Turkauliya (Banjariya) P.S. Case No. 150 of
2021 for the offences under Sections 399, 402, 414/34 of the
Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms
Act.

The prosecution case is that on secret information that
some criminals had assembled to commit offence, a raid was
conducted by the police personnel. On seeing the police



personnel, the miscreants started fleeing away, but on chase three miscreants including this petitioner were apprehended at the place of occurrence. It is alleged that a motorcycle has been recovered from the joint possession of all the accused persons.

It is submitted on behalf of the petitioner that the petitioner has absolutely clean antecedent and nothing was recovered from the possession of the petitioner, though it is alleged that from the joint possession of all the accused persons looted motorcycle has been recovered. Furthermore, the petitioner is languishing in jail since 22.02.2021. He next submits that co-accused Ajay Kumar, in whose possession a country made pistol and two live cartridges were recovered, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 41829 of 2021 vide order dated 06.01.2022. A copy of which has been produced by the learned counsel for the petitioner, which is kept on record. He further submits that charge-sheet has already been submitted and cognizance has also been taken in this case.

On the other hand, learned APP submits that the key of the motorcycle has been recovered from the possession of this petitioner, which has been denied by the learned counsel for the petitioner.



Considering the fact that the petitioner is languishing in jail since 22.02.2021 and the person having similar allegation has already been granted bail, 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 Judicial Magistrate, 1st Class, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 150 of 2021 with the following conditions:

(a) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond will be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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