

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59766 of 2021**

Arising Out of PS. Case No.-517 Year-2018 Thana- JAHANABAD District- Jehanabad

Deepak Kumar, Son of Navalesh Yadav Resident of Village - Sigrampur,
P.S.- Dhanarua, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

3 19-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Jehanabd (Karauna O.P.) P.S. Case No.517 of 2018 instituted under Sections 392 of the Indian Penal Code.

As per the prosecution story when the informant was travelling from Masrakh to Ranchi, it is alleged that a Swift Car overtook them and snatched Rs.18,000/-, two mobile phones and some important documents. It has further been alleged in the FIR that they also snatched gold chain and mobile phone of the driver.

The name of the petitioner cropped up in course of investigation and accordingly he was remanded in this case on 22.07.2021.



Learned counsel for the petitioner submits that he had no role to play in the alleged incident and only because he has criminal antecedent, after his arrest in a different case in 2019 in which he was extended the privilege of bail, he was remanded in this case on 22.07.2021. He further submits that one of the accused person in this case, namely, Niti @ Nitish Kumar @ Nitin Kumar has since been granted bail by a co-ordinate Bench of this Court on 01.04.2022 vide Cr. Misc. No.56099 of 2021.

Considering the aforesaid fact that the charge sheet stands submitted and the petitioner is in custody since 22.07.2021 as also the fact that one of the accused person has since been granted the privilege of bail by a co-ordinate Bench, this Court is inclined to grant him privilege of bail with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(twenty thousand) with two sureties of the like amount each in connection with Jehanabd (Karauna O.P.) P.S. Case No.517 of 2018 to the satisfaction of learned A.C.J.M., Jehanabad, subject to 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 reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

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

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

Mr. Bhanu Pratap Singh, learned APP pointed out that although the petitioner has himself stated in para-3 of the bail application that he has four criminal cases lodged against him, the police in para-63 have recorded that the petitioner Deepak Kumar do not have any criminal antecedent. He has further drawn the attention of this Court to para-101 were contrary to what has been recorded in para-63, the police have stated that they remanded the petitioner from Makhdumpur P.S. Case



No.217/2018 lodged under Section 395.

The Superintendent of Police, Jehanabad should took note of the way the investigation is carried out and recorded in the case diary.

Let a copy of this order be sent to office of the Superintendent of Police, Jehanabad.

(Rajiv Roy, J)

Prakash Narayan /-

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