

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64894 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- PIRO District- Bhojpur

Deepak Yadav @ Deepak Kumar Yadav Son of Late Triloki Yadav @ Triloki Singh Resident of Village - Nathuni Ke Bag, P.S. - Dumraon, District - Buxar.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

As per prosecution case, in brief, is that the informant namely Umesh Pandey is an agent of Piro Post Office. On 07.05.2021 at about 9:30 P.M. the informant was going to his village Bachri from Piro suddenly eight persons riding on four motorcycles two from each side attacked the informant with arms and started firing. They snatched the motorcycle and mobile of the informant.



Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He has been falsely implicated in the present case only on the basis of confessional statement of co-accused namely Deepak Tiwary @ Tinda. Further submits that there is no recovery from the conscious possession of the petitioner and till date no test identification parade has been conducted by the prosecution and the motorcycle as per alleged in the F.I.R. was recovered from the possession of co-accused Deepak Tiwari @ Tinda. Further submits that co-accused Amar Kumar @ Amar Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court on 25.03.2022 in Cr. Misc. No. 62148 of 2021 and the other co-accused Deepak Tiwari @ Tina @ Tinda has been granted bail vide order dated 04.04.2022 in Cr. Misc. No. 53657 of 2021 respectively. Petitioner is in custody since 05.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, 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



Court below where the case is pending in connection with Piro
P.S. Case No. 149 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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