

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65149 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- MUSAHARI District- Muzaffarpur

DEEPAK KUMAR, S/o Ram Sagar Mahto, R/o Village - Prahladpur, P.S. - Musahari, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Navin Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Musahari P.S. Case No. 217 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 30.12.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 29.12.2020 at 8:00 P.M. while he was coming on his scooty and reached near Narsinghpur school he saw 2-3 persons standing on the road-side, when he reached there they threw iron rod on him due to which he got injured. The accused



persons took away his scooty and his mobile.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion. Petitioner is not named in the F.I.R.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been brought within this case because one Sim registered in the name of father-in-law of this petitioner was found running in the looted mobile, the submission is that there is no recovery of any incriminating article from the conscious possession of the petitioner and further that even though the petitioner is in custody for more than one year, till date no Test Identification Parade has been conducted and he has not been identified by any person in connection with this case, investigation against the petitioner is complete and this court has been given to understand that the trial is not likely to take place in near future and the presence of the petitioner may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 10th,



Muzaffarpur in connection with Musahari P.S. Case No. 217 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

