

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66111 of 2021

Arising Out of PS. Case No.-491 Year-2021 Thana- DIGHA District- Patna

DEEPAK KUMAR S/o Dukharan Saw R/o village- Parsa Bazar, P.S.- Parsa Bazar , Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asha Kumari

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Digha P.S. Case No. 491 of 2021 registered for the offences punishable under Sections 379 of Indian Penal Code.

As per prosecution case, informant parked his motorcycle in campus of Coca Cola godown near petrol pump, Digha-Ashiyana Road which was stolen by unknown persons.

Learned counsel for the petitioner submits that petitioner is in custody since 05.09.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. During the course of investigation the motorcycle in question was recovered from the possession of the petitioner. Learned counsel further submits that said motorcycle has been purchased from co-accused Vijendra Yadav in confusion because petitioner thought that motorcycle belongs to co-accused Vijendra Yadav. Co-accused Vijendra Yadav has already been granted bail vide Cr. Misc. No. 67365 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, 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 Sub Divisional Judicial Magistrate/Successor Court, Patna in connection with



Digha P.S. Case No. 491 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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