

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67514 of 2021**

Arising Out of PS. Case No.-151 Year-2021 Thana- KOTWA District- East Champaran

DEEPAK SAH @ DEEPAK KUMAR Son of Jagdish Sah Resident of  
Village- Kotwa, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      04-07-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Kotwa  
P.S. Case No. 151 of 2021 registered for the offence under  
Section 392 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 11.08.2021.

The allegation against the petitioner is to commit  
robbery and while committing so, taken away cash of Rs.  
1,80,000/- from the mother of informant.

Learned counsel appearing on behalf of the petitioner  
submitted that both the petitioner and informant are from same



village and the implication is due to differences over local issues. It has further been submitted that implication is on the basis of electronic evidence of CCTV footage, but no certification under Section 65(B) of the Indian Evidence Act is made available, during course of investigation. It has further been submitted that alleged recovery of Rs.35,000/- from petitioner on the basis of self confession, having no connection with alleged looted cash of Rs. 1,80,000/- as same is without any details and denomination. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that certificate under Section 65(B) of Indian Evidence Act is not made available on the record during investigation of this case.

Considering the facts and circumstances as mentioned above, as recovered cash is not connected with the cash alleged to be taken away by the petitioner, while committing robbery from mother of the informant coupled with the fact that charge-sheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Kotwa P.S. Case No.151 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, subject to the following conditions:

*“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.*

*(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Jagadish Sah, who is the father of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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