

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22843 of 2023

Arising Out of PS. Case No.-574 Year-2021 Thana- BASANTPUR District- Siwan

Deepak Kumar @ Dipak Ram Son Of Rama Shanker Ram R/O Village-
Safapur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
13.10.2022 in connection with Basantpur P.S. Case No. 574 of
2021, F.I.R. dated 27.12.2021 for the offences punishable under
Section 394 of the Indian Penal Code and Section 27 of the
Arms Act.

3. According to prosecution case, the allegation
against the petitioner is that he along with his associates fired
upon the informant and taken away several jackets from this
shop.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and the name of the petitioner has been transpired on



the basis of confessional statement of co-accused namely Jakir Hussain. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Jakir Hussain has been granted bail by this Court vide order dated 12.07.2023 passed in Cr. Misc. No. 19535 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.10.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Smt. Suman Chandra, Judicial Magistrate, 1st Class, Siwan in connection with Basantpur P.S. Case No. 574 of 2021, subject to 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 witnesses, 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.

(Rajesh Kumar Verma, J)

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