

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21422 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Deepak Kumar S/O Mukesh Kamti @ Mukesh Kumar Resident of Village-
Sakrauli, P.S.- Cheriya Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s :	Mr. Abhay Kumar Roy, APP
For the Informant :	Mr. Rajeev Ranjan No. 1, Advocate
	Mrs. Priyanka Kumari, Advocate
	Mr. Bhubneshwar Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
19.04.2022 in connection with S.T. No. 912 of 2022 arising out
of Khodawandpur P.S. Case No. 81 of 2022, F.I.R. dated
11.04.2022 for the offences punishable under Sections 395, 397,
307 and 326 of the Indian Penal Code and Section 27 of the
Arms Act.



4. According to prosecution case, while committing dacoity, unknown miscreants took away approximately Rs. 2,50,000/- and a number of gold and silver ornaments from the informant and one of the miscreants also shot at the informant's cousin in his chest.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Kundan Kumar in which he has clearly stated that the co-accused, Lal Babu Choudhary has fired upon the victim. He further submits that from perusal of the statement of the co-accused, Kundan Kumar, nothing has come against the petitioner and he has only stated that the petitioner was accompanied with the other accused persons. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ajay Kumar @ Diamond has been



granted bail by a co-ordinate Bench of this Court vide order dated 21.02.2023 passed in Cr. Misc. No. 56226 of 2022, co-accused, namely, Lal Babu Choudhary has been granted bail by his Court vide order dated 08.05.2023 passed in Cr. Misc. No. 65061 of 2022 and co-accused, namely, Md. Irfan has been granted bail by a co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 21260 of 2023. The petitioner is in custody since 19.04.2022.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present case and apart from that the petitioner carries 6 criminal antecedents other than the present one but they fairly submits that the co-accused persons have been granted bail by this Court and by different Co-ordinate Bench of this Court.

7. Considering the aforesaid facts and circumstances and the period of custody, 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 Additional Sessions Judge II,



Begusarai in connection with S.T. No. 912 of 2022 arising out of Khodawandpur P.S. Case No. 81 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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