

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29272 of 2023

Arising Out of PS. Case No.-77 Year-2019 Thana- GAYA KOTWALI District- Gaya

DEEPAK SONAR ALIAS DEEPAK KUMAR s/o- Arun Prasad Resident of
Mohalla- Pawai, P.S. Muffasil, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kotwali
P.S. Case No. 77 of 2019 registered for the offence under Sections
394 of the Indian Penal Code and Section 27 of the Arms Act.

Three unknown persons are alleged to have committed
loot of informant and taken away his trolley bag, mobile and cash
of Rs. 14,000/- after opening fire by their country made pistol.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case
during course of investigation on the basis of CCTV footage and
on that ground he has been taken into custody by the police. He



further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.06.2019.

A report with regard to present stage of the trial has been called for by this Court vide order dated 24.07.2023 which has been received and forms part of this application at Flag-A dated 07.08.2023. On perusal thereof, it would reveal that charge was framed against the petitioner on 01.08.2023 and till date no witness has been examined by the prosecution as of now.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 27.06.2019 i.e more than three year. Therefore, the petitioner may be enlarged on bail.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve case other than the present one according to paragraph-3 of the petition out of them he has been allowed bail in eight cases.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 learned Judicial Magistrate,-1st Class, Gaya in



connection with Kotwali P.S. Case No. 77 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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