

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45328 of 2023

Arising Out of PS. Case No.-376 Year-2021 Thana- GHORASAHAN District- East
Champaran

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DEEPAK KUMAR, Son of Nawal Sah, Resident of village - Koeir Gawa, P.s.
- Jitna, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Dhannjay Kumar No 2, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 06-09-2023 1. Heard learned counsel for the petitioner and learned APP for the State of Bihar.
2. The petitioner is apprehending his arrest in connection with Ghorasahan P.S. Case No. 376 of 2021 registered for offences punishable under Sections 413, 414 and 34 of Indian Penal Code.
3. As per FIR, petitioner along with other co-accused persons used to bring stolen clothes from *Chorbazar* of West Bengal and other places and used to sell them in Nepal. Stolen clothes were seized in the building of one Dhandhari Shah.
4. It is submitted by learned counsel for the petitioner that the petitioner has receipts including tax invoices showing procurement of the garments, which as per the prosecution case



are alleged to be stolen or smuggled. No incriminating article has been recovered from the petitioner and the entire prosecution is founded only on suspicion. The other co-accused persons, namely Dharamveer Kumar and Nawal Sah have been allowed anticipatory bail in *Cr.Misc. No. 12714 of 2022*. The petitioner has one antecedent arising out of the Bihar Prohibition and Excise Act, in which case he is on bail.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions and claim based on parity with co-accused, as also the copies of receipts and tax invoices annexed with the bail petition, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 3rd Additional Chief Judicial Magistrate, Dhaka, East Champara, in connection with Ghorasahan P.S. Case No. 376 of 2021, subject to the conditions as laid down in Section 438(2) of the



Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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