

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47743 of 2023

Arising Out of PS. Case No.-1380 Year-2022 Thana- PHULWARISHARIF District- Patna

DEEPAK KUMAR Son of Ram Vijay Prasad @ Ram Vinay Prasad Resident
of village - Rewan, P.S. - Masaurhi, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
24.02.2023, in connection with Phulwarisharif P.S. Case No. 1380
of 2022, F.I.R. dated 09.11.2022 registered for the offences
punishable under Section 395 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 confessional statement of co-
accused persons namely Vikash Kumar. He further submits that



on the basis of confessional statement the raid was made at the rented house of Vikash Kunar where the petitioner was also present and some incriminating articles were also recovered from the room of Vikash Kumar but the same was not put on test identification parade as yet and even the petitioner has not put on test identification parade as yet. He further submits that except the confessional statement of co-accused, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and after implicating in the present case the petitioner has been implicated in five other cases also as mentioned in paragraph-3 of the bail petition. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna Sadar, Patna in connection with Phulwarisharif P.S. Case No. 1380 of 2022,



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 witness, 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 antecedents, 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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