

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47780 of 2023

Arising Out of PS. Case No.-1376 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. Soni Kumari, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioner seeks bail in connection with Phulwari
Sharif P.S. Case No. 1376 of 2022 registered for the offence under
Sections 395 of the Indian Penal Code.

Five accused persons are alleged to have come to
informant on two motorcycles armed with pistol entered into his
shop and looted cash worth of Rs. 25000/- and two cheques of
Rs.500000/- each of Kotak Mahindra Bank along with mobile of
his staff.

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. but his name transpired during course of



investigation on the basis of confessional statement of the co-accused, Vikash Kumar. He further submits that nothing incriminating has been recovered from the house or conscious possession of the petitioner. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. The petitioner is rotting in judicial custody since 08.02.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the one country made pistol has been recovered from the possession of the petitioner and the CDR collected during course of investigation suggests that the petitioner was present at the place of occurrence but for the recovered arms another case has been recovered bearing Masaurhi P.S. 808 of 2022 dated 01.12.2022 and apart from that petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, 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 A.C.J.M.-XIV, Patna in connection with Phulwari Sharif P.S. Case No. 1376 of 2022 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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