

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51047 of 2022

Arising Out of PS. Case No.-55 Year-2020 Thana- BIKRAMGANJ District- Rohtas

Deepak Kumar @ Mister @ Shahjad Alam Son Of Abdul Rajak Miyan @
Rajak Miyan R/O- Bishunpura, P.S.- Sasaram, District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bikramganj P.S. Case No. 55 of 2020 registered for the offence
under Sections 393, 302 and 307 of the Indian Penal Code and
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 24.09.2020.

The allegation against the petitioner is to commit
murder of brother of the informant, along with other co-accused
persons, by causing fire arm injuries while making an attempt to
commit robbery.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced, during the course of investigation, on the basis of confessional statement of co-accused, namely, Gulshan Kumar, where no incriminating material recovered/surfaced during the course of investigation which may connect this petitioner with the present set of occurrence. It is submitted that said Gulshan Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 5167 of 2021 vide order dated 26.07.2021. It is further submitted that similarly situated co-accused person, namely, Mukesh Mandal @ Mukesh Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through 37625 of 2021 vide order dated 07.01.2022. It is also submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner involved in twelve (12) more cases, where he is on bail in all cases and in maximum of cases his name surfaced on the basis of confessional statement as of the present and, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes



the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during the course of investigation, in furtherance of confessional statement of co-accused, who named this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bikramganj P.S. Case No. 55 of 2020 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 District and Sessions Judge-IV, Rohtas/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Learned Trial Court is directed to verify the criminal antecedents of this petitioner and if it is found more than twelve (12) cases as stated in Para-3 of the bail petition, the bail bond of the petitioner shall not be accepted.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

