

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.60566 of 2023**

Arising Out of PS. Case No.-68 Year-2021 Thana- AAJAM NAGAR District- Katihar

DEEPAK KUMAR @ AAKASH KUMAR @ Akash SON OF LATE ASHOK  
KUMAR MANDAL R/O-BARIARPUR, P.S.-BARIARPUR, DISTT.-  
MUNGER

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh  
For the Opposite Party/s : Mr.Anish Chandra

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

3      24-11-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Azam  
Nagar P.S. Case No. 68/2021 registered for the offences  
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 03.04.2021, four  
miscreants on two motorcycles arrived at cash counter of  
Sidhivanayak Petrol Pump, Hajinagar and on the point of pistol,  
looted Rs 2 lakhs cash and fled away.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence as alleged  
in the FIR and he has falsely been implicated in this case. He  
further submits that petitioner is not named in the FIR and his



name has been surfaced on the confessional statement of co-accused Santosh Choudhary. Except confessional statement of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from his conscious possession. Petitioner has not been put on Test Identification Parade. It is further submitted that the petitioner is in custody since 09.05.2022. Charge-sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Sunil Kumar Choudhary @ Khora has already been enlarged on bail by a co-ordinate bench of this Court vide Cr. Misc. No. 55265/2022 and case of the present petitioner stands on similar footing and hence petitioner also deserves bail. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, clean antecedent of the petitioner, co-accused on similar and identical allegation has already been granted bail, charge-sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, 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 C.J.M., Katinar in connection with in Azam Nagar P.S. Case No. 68/2021, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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