

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66492 of 2022**

Arising Out of PS. Case No.-492 Year-2022 Thana- MADHAURAH District- Saran

Deepak Kumar Baitha, S/O Parma Baitha, Resident of Village- Hasanpura,  
P.S.- Marhowra, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      25-02-2023              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Bishwajeet Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Marhowrah P.S. Case No. 492 of 2022 registered for the offence punishable under Sections 467, 468, 471, 420, 411, 414 / 34 of the Indian Penal Code.

It is alleged that on a secret information with regard to assemblage of some criminals, the police conducted raid and in course of search, three motorcycles, some RC cards, mobiles and other incriminating materials have been recovered on the



*dalan* of co-accused Vivek Kumar @ Chunnu Baba. It is further alleged that the apprehended co-accused, namely, Rishi Kumar @ Malku disclosed the name of other four persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor his name has been disclosed by the co-accused persons as member of the gang. He further submits that during the course of investigation, the co-accused Rishi Kumar @ Malku confessed that he sold the looted motorcycle to the petitioner, however, with regard to that occurrence one another case has been instituted against the petitioner before the Marhowrah P.S. Case No. 487 of 2022. He next submits that so far the present case is concerned, the petitioner has no connection, however, only on account of the previous case before the Marhowrah P.S. Case No. 487 of 2022, his name has been implicated in this case, which shows the highhandedness of the police. He next submits that neither any incriminating material has been recovered nor there is any material suggesting the complicity of the petitioner, however, he is in custody since 01.09.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is indulged in purchase of stolen goods and his



complicity cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in the FIR nor any incriminating material has been recovered and save and except the confessional statement, there is no material, coupled with the fact that he is in custody since 01.09.2022 and the investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Marhowrah P.S. Case No. 492 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

shivank/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

