

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68093 of 2023

Arising Out of PS. Case No.-1365 Year-2022 Thana- PHULWARISHARIF District- Patna

Deepak Kumar S/O Ram Vijay Prasad@Ram Vijay Singh R/O Vill Rewan,
P.S-Masaurhi, District-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. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Phulwari Sharif P.S. Case No. 1365 of 2022 dated 06.11.2022,
lodged under Section 394 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against four unknown accused persons against whom the
allegation of loot is there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that nothing has been recovered from the possession of
the petitioner nor he was put on T.I.P. Counsel submits that the
name of the petitioner has figured in this case by virtue of the
confessional statement of the co-accused. Counsel submits that

there are six criminal cases pending against the petitioner. Counsel also submits that the petitioner is in custody since 01.07.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and at the time of granting bail, this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail only after framing of charge on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- XXth, Patna in connection with Phulwari Sharif P.S. Case No. 1365 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail

bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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