

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71198 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- DHAKA District- East Champaran

Deepak Kumar @ Deepak Kumar Sahani @ Deepak Sahani Son of Suresh
Sahani Resident of Village- Koral P.S.- Pakridayal District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dhaka P.S. Case No. 299 of 2023, registered on 07.06.2023 for the alleged offences under Sections 414, 420, 467, 468/34 of the Indian Penal Code and Sections 25(i)(b) (a)/26/35 of the Arms Act.

3. As per prosecution case, police received secret information about likely arrival of nine criminals on five motorcycles to Dhaka Bazar and pursuant to the information, checking of vehicles was started and on seeing the police party nine persons from five motorcycles tried to run away but five of them were apprehended along with three motorcycles. From one of the miscreants a country made katta with one live cartridge



was recovered. Apart from the recovery of firearm, from this petitioner and other co-accused persons a large number of ATM cards of different banks, mobile phones etc. were also recovered. From this petitioner recovery of 18 ATM cards have been shown. The police also came to know that these persons were involved in ATM fraud.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing incriminating has been recovered either from the person or possession of the petitioner. The recovery was made from co-accused persons and this petitioner is merely a passerby who was arrayed as accused in this case, otherwise petitioner has no concern either with the co-accused or recovered article. Further there is non-compliance of the mandate of Cr.P.C. in preparation of seizure list. Learned counsel further submits that co-accused persons namely, Guddu Kumar Rajak, Hemant Kumar and Sunil Kumar have been granted bail by a Co-ordinate Bench vide orders dated 28.08.2023 and 29.08.2023 passed in Cr. Misc. Nos. 55640 of 2023 and 55715 of 2023, respectively. The case of this petitioner is on similar footing. The petitioner is having antecedent of two cases but he is on bail in both the cases. The petitioner is in custody since 08.06.2023 and charge sheet has



been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that the petitioner is a member of gang committing ATM fraud and other crimes.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dhaka, East Champaran/concerned court in connection with Dhaka P.S. Case No. 299 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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