

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68275 of 2022

Arising Out of PS. Case No.-503 Year-2022 Thana- GARKHA District- Saran

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DEEPAK KUMAR S/O SHANKAR MAHTO @ SHANKAR PRASAD
Resident of village- Ismailpur, P.O.- Rampur, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 379, 411, 414 of the Indian Penal Code and Sections 25(1b)a, 26 and 35 of the Arms Act.

According to prosecution case, one Hero Splender Plus motorcycle and two live cartridges are said to have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from F.I.R. and seizure list that one Hero Splender motorcycle and two live cartridges have been recovered from the possession



of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and similarly situated, co-accused persons, namely, Birju Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 52166 of 2022 and other co-accused namely, Rajoo Kumar @ Raju Kumar Singh has been granted bail vide order dated 25.02.2023 passed in Cr. Misc. No. 60753/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 31.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Garkha P.S. Case No. 503/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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