

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26644 of 2024

Arising Out of PS. Case No.-329 Year-2019 Thana- MANIYARI District- Muzaffarpur

Deepak Kumar Bhagat @ Deepak Bhagat S/o Manorath Bhagat R/o Vill -
Susta, P.S. - Sadar, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the State : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-07-2024 Heard Mr. Sunil Kumar Pandey, learned counsel for
the petitioner and Mr. Pranav Kumar, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
15.06.2021, in connection with Maniyari P.S. Case No. 329 of
2019 registered for the offence under Sections 302, 392/34 of
the Indian Penal Code as well as Section 27 of the Arms Act.

3. When informant along with his father proceeded
from his jewellery shop on a motorcycle. Four unknown
miscreants on two motorcycles is said to have snatched the bag
and also fired upon the father of the informant which hit in his
right hand due to which the father of the informant died during
course of treatment.

4. Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that initially the petitioner has not been named in the F.I.R. but his name transpired in this case only on the basis of the confessional statement of the co-accused person, namely, Arvind Rai and Pawan Kumar and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person, namely, Arvind Rai has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.07.2021 passed in Cr. Misc. No. 20147 of 2021 and another co-accused person, namely, Pawan kumar has also been granted bail by this Court vide order dated 28.04.2022 passed in Cr. Misc. No. 63235 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.06.2021.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries six cases other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that the petitioner is on bail in all the pending matters.



6. Considering the facts and circumstances of the case and the fact that the petitioner is not named in the FIR, he has been made accused only on the basis of the confessional statement of the co-accused persons as well as period of custody, let the, above named, petitioner 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 learned J.M. 1st Class (West), Muzaffarpur in connection with Maniyari P.S. Case No. 329 of 2019 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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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