

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44364 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Deepak Kumar @ Deepak Dattatray Pawar S/o Dattatray Pawar Resident Of
Mohalla Gudari Bazar P.S. Town, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar, Advocate
For the Opposite Party/s :	Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Mukesh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Samastipur (M) P.S. Case No. 112 of 2024,
registered for the offence punishable under Sections 457 and
380 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that while the informant went to his native place on
10.03.2024 and when he returned on 15.03.2024, he found that
his valuables including ornaments as well as laptop, camera, tab
etc were looted, which were worth Rs. 30 lakhs.

4. Learned Advocate appearing on behalf of the
petitioner contended that admittedly the occurrence took place



on 10.03.2024, however, as per the allegation when the informant came on 15.03.2024, the FIR has been instituted on 16.03.2024 against three named and other unknown persons on the basis of suspicion. During the course of investigation, the name of the petitioner transpired on the confessional statement of co-accused persons. Subsequently, some stolen articles are said to have been recovered from the shop of the petitioner, however, such articles have never been put on TIP. It is further contended that in fact the criminal antecedent of the petitioner in identical nature is the only cause of implication of the name of the petitioner and save and except the confessional statement and criminal antecedent, there is no other material. Moreover, the petitioner is in custody since 26.03.2024 and the investigation of the case is complete. The petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the stolen articles have been recovered from the shop of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovered



articles have not been put on TIP, coupled with the period of custody and the fact that the name of the petitioner has transpired on the confessional statement, 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 Sub Judge-V-cum-Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur (M) P.S. Case No. 112 of 2024, 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)

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