

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53672 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- KORHA District- Katihar

Deepak Kumar Munda @ Deepak Munda, S/o Sukhdev Munda, R/o village -
Brindawan Kolasi, P.S. - Korha, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhola Prasad, Advocate

For the Opposite Party : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and Mr.
Pramod Kumar Pandey, learned APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Korha P.S. Case No. 180 of 2023 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code and Sections 25(1-B), 26 and 35 of the Arms Act. He has no criminal antecedent. He is in custody since 22.02.2024.

3. As per the prosecution story, on 08.05.2023 the informant, who is owner and driver of the tractor, after loading 206 bags of maize crops had proceeded for his home Khairiya. It is alleged that when he reached near Pandit More, two motorcycle borne persons overtook his tractor and parked the motorcycle in front of his tractor, in the meantime, four more persons came from behind and on gunpoint they abducted him

and also snatched his mobile phone and Rs. 500 from his pocket. It is further alleged that the accused persons covered his face, tied his hands with clothes and took him from one place to another and were threatening to kill him if he raises any alarm. It is alleged that they left him at an unknown place from where he reported the occurrence to the Police Station. During the conversation of the miscreants, he heard the name of co-accused Chhotu Kumar and Laki Kumar.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that after the arrest of the petitioner, no test identification parade has been made to get him identified by the victim Dharmendra Das. It is further submitted that the petitioner has otherwise no criminal antecedent and is in custody in connection with this case since 22.02.2024.

5. Learned counsel submits that the name of this petitioner has transpired in the confessional statement of the co-accused.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. Having regard to the submissions that the petitioner has been falsely implicated in this case, after his arrest, no test identification parade has been made to get him identified by the

victim Dharmendra Das and further that the name of the petitioner has transpired in the confessional statement of the co-accused, he has already remained in custody since 22.02.2024 and has otherwise no criminal antecedent and the investigation against him is complete, this Court directs that the petitioner above-named shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 180 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedents 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 steps for cancellation of bail bonds of both 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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