

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53837 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Deepak Kumar Son Of Late Anoj Yadav Village- Batraha, Ward No. 23, PS-
Saharsa, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 57 of 2024, registered on 17.01.2024, for the alleged offences under Sections 356, 379 of the Indian Penal Code.

03. As per prosecution case, three miscreants riding a bike snatched the bag of informant containing Rs. 41610/- and other documents. The name of the petitioner transpired during investigation as one of the miscreants.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired during investigation merely on suspicion. Earlier the petitioner was apprehended on



suspicion in Saharsa P.S. Case No. 63 of 2024 and recovery of one country made pistol with a live cartridge, cash and a mobile phone was made at the instance of the petitioner. On the basis of confessional statement of the petitioner, he has been made accused in the present case, though no recovery of any incriminating article has been made. Learned counsel further submits that no mobile phone was looted in the present case, still the rejection order of the bail petition of the petitioner passed by the learned Sessions Judge, Saharsa shows recovery of a mobile phone was made from the petitioner. The petitioner has been remanded in this case on 02.03.2024 but he has not been put to test identification parade till date. The petitioner has been made accused merely on the basis of search and seizure of Saharsa P.S. Case No. 63 of 2024. The petitioner is having antecedent of altogether five cases and he is on bail in all such cases. The charge-sheet has been submitted against the petitioner.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that petitioner appears to be a habitual offender and is accused in altogether five cases.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that no recovery of any incriminating article has been shown from the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/court concerned in connection with Saharsa P.S. Case No. 57 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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