

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81370 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- MAKER District- Saran

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Deepak Ram@Sahajan Ram Son Of Chait Ram Residence Of Baghakol, P.S.
Maker, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Sumit Kumar, learned counsel for the

petitioner and Mr. Ram Naresh Ray, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Maker P.S. Case No. 65 of 2022, F.I.R. dated 13.04.2022 for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 427, 379, 307 and 354 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons assaulted the informant's side. Thereafter, the accused persons entered into the house of the informant and took away ornaments worth of Rs.1,50,000/- and they also damaged his Scorpio car parked at the door of the house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He submits that initially the petitioner was not named in the FIR. He further submits that the wife of the informant recorded her *fardbeyan* in which the name of the petitioner transpired in this case. He submits that there is no allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that there is specific allegation of assault attributed against the co-accused person, namely, Arun Giri. He submits that similarly situated other co-accused persons have already been granted anticipatory bail by the different Co-ordinate Benches of this Court vide order dated 16.03.2023 passed in Cr. Misc. No. 2596 of 2023, vide order dated 16.03.2023 passed in Cr. Misc. No. 2206 of 2023 and vide order dated 21.03.2023 passed in Cr. Misc. No. 69984 of 2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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



4th Addl. Sessions Judge, Saran in connection with Maker P.S.
Case No. 65 of 2022, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure and
with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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