

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15417 of 2025

Arising Out of PS. Case No.-388 Year-2024 Thana- GAYA MUFASIL District- Gaya

Deepak Adivasi S/O Mohan Adivasi R/at Dhanbad back of Railway Station,
P.S.- Dhanbad City, Dist.- Dhanbad, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sessions Trial No. 869 of 2024/211 of 2024 arising out of
Muffasil P.S. Case No. 388 of 2024 instituted for the offence
under Section 395 of the Indian Penal Code.

3. Prosecution case in a nutshell is that on the night of
06-05-2024, five to six unknown accused entered her house, and
held a knife to her son's throat and demanded the key to her
Almirah. Out of fear, she handed it over and they looted all the
jewellery, including what she was wearing, before locking her
and her children in a room. Upon hearing their alarm,
neighbours came and opened the door.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-06-2024. Petitioner bears seven criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired in this case during investigation on the basis of suspicion. The petitioner has confessed his guilt in the confessional statement recorded before the police which has got no evidentiary value in the eye of law. No incriminating article/looted article has been recovered from the possession of the petitioner or from his house. The I.O. after completion of investigation has submitted the charge-sheet under Sections 395 and 412 of the I.P.C. and the cognizance has also been taken under the same sections by the learned court below. Thereafter, the case of the petitioner was committed in Sessions Trial No. 869 of 2024/211 of 2024. There is no compliance of Section 100 of the Cr.P.C. Learned counsel for the petitioner lastly submits that the co-accused namely Shivpujan Kumar @ Shivpujan Thathera has been granted bail by this Court vide order dated 13.02.2025 passed in Cr. Misc. No. 79829 of 2024.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has confessed his guilt of being involved in the alleged occurrence. The petitioner has seven criminal antecedents and, thus, does not deserve bail.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication, charge sheet being submitted and the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 869 of 2024/211 of 2024 arising out of Muffasil P.S. Case No. 388 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such



appearance on two consecutive dates, the Trial Court will
have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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