

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38568 of 2025

Arising Out of PS. Case No.-1038 Year-2024 Thana- GAYA MUFASIL District- Gaya

Deepak Kumar Jhota @ Deepak Kumar @ Jhota Son of Sri Raj Kumar Gupta
Resident of Village- Kewali, P.S.- Chandauti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Kumar Dharendra Pratap Singh, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mufassil P.S. Case no. 1038 of 2024 registered under sections 103(1) and 3(5) of the Bharatiya Nyay Sanhita, 2023 and Sections 25(1-B)(a), 26, 35 and 27 of the Arms Act.

3. As per the prosecution case, the informant states that 6-7 accused persons on three motorcycles came variously armed. The informant names Kaushal Singh, Paltan Singh, Alok Singh, Sanjay Manjhi, Vishal and Jitendra Kumar who are said to have resorted to firing leading to death of Amish Kumar, who happens to be the nephew of the informant.



4. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and subsequently during the reinstatement of the informant the name of the petitioner has transpired though no specific overt act has been alleged against the petitioner. Learned counsel has further submitted that similarly situated co-accused has been granted bail vide order dated 10.06.2025 in Cr. Misc. No. 36771 of 2025 by a coordinate Bench of this Court. It has lastly been submitted that though the petitioner has antecedent of five criminal cases but he is on bail in all the five cases. Charge sheet has been submitted in the case and the petitioner is in custody since 13.12.2024.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the allegations which has transpired during the course of investigation, let the petitioner above named be enlarged on bail in connection with Mufassil P.S. Case no. 1038 of 2024 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1" Class, Gaya



subject to the following conditions :

b The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. 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.

e. if the petitioner is subsequently found in any way tampering with the evidence/threatening to the informant or his family members and if the same is found to be true the prosecution shall be at liberty to move for cancellation of bail granted to the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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