

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49994 of 2016

Arising Out of PS.Case No. -57 Year- 2012 Thana -NAYAGAON District- BEGUSARAI

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1. DEEPAK KUMAR SINGH @ DEEPAK KUMAR S/o Ram Bilash
Singh R/o Vill.----Sihma Dih, P.S.- Matihani Dist.- Begusarai

.... Petitioner/s

Versus

1. The state of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner, learned counsel
for the informant and learned Additional Public Prosecutor for the
State.

The petitioner is in custody since 17.09.2016 in
connection with Nayagaon P.S. Case No. 57 of 2012, registered
for offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

Allegation against the petitioner is that he along with
others came to the house of the deceased and taken him away with
themselves.

It has been submitted on behalf of the petitioner that save
and except the theory that deceased was last seen with petitioner,
no incriminating material has come in the case diary so as to
implicate the petitioner in the present case and also some of the
accused persons have already been granted bail and the petitioner



has been languishing in jail since 17.09.2016

Heard also, learned counsel for the informant and learned A.P.P. Learned counsel for the informant has submitted that the petitioner has specific role to play in kidnapping and murder of the deceased and since he was absconding in this case, he may not be granted the privilege of bail.

Considering the aforementioned facts and circumstances, and the nature of offence, I am not inclined to grant the petitioner, the privilege of bail, it is accordingly rejected.

However, learned Court below is directed to commit the case to the Court of sessions and once the charges are framed against the petitioner, his prayer of bail may be considered on facts and merit of the case, considering the submissions advanced on behalf of the petitioner that save and except 'last seen theory', there is nothing against the petitioner.

With the above observation, this application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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