

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61365 of 2018

Arising Out of PS.Case No. -332 Year- 2017 Thana -PATNA CITY CHOWK District- PATNA

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1. Deepak Kumar son of Vijay Kumar Prasad @ Vijay Prasad, Resident of Santoshi Mata Ki Gali, P.S. Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-11-2018 Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner seeks bail in S.T. No. 251/2018, arising out of Chowk P.S. Case No. 332/2017, instituted for the offences under Sections 302 and 365 of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected by a Co-ordinate Bench of this Court in Cr. Misc. No. 16386/2018 dated 14.05.2018 with direction to the court below to expedite the trial and conclude the same preferably within one and half year.

Learned counsel for the petitioner has submitted that petitioner is not named in the written report. His name has come during course of investigation in the confessional statement of co-accused Niraj Kumar. There is delay of one week in lodging the F.I.R. The victim boy went missing on 12.10.2017 but the



informant who is mother of victim boy informed the police on 20.10.2017.

Report of the court below with regard to present stage has been received in this case, from which it appears that charge has been framed on 29.05.2018 and not a single witness has been examined. Summon has been issued against witnesses. Case is pending for prosecution evidence.

Petitioner is in custody since 25.10.2017.

Keeping in view the period of custody of the petitioner and the fact that he is not named in F.I.R. and not a single witness has been examined till date, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 Sessions Judge, Patna in connection with S.T. No. 251/2018, arising out of Chowk P.S. Case No. 332/2017, subject to the conditions that

- (i) both the bailors shall be the close relative of the petitioner.
- (ii) petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid



reason will result in cancellation of bail
bond of the petitioner and

(iii) if petitioner tamper with the evidence in
the case, prosecution will be at liberty to
move for cancellation of bail bond of the
petitioner.

(Sanjay Priya, J.)

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