

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58543 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -PHULWARISHARIF District- PATNA

=====

1. Deepak Kumar, aged about 25 Years, S/o Umesh Prasad, R/o Yarpur Shivajee Path P.S. & P.S.- Gardanibagh , District- Patna-800001.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sayed Imran Ghani

For the Opposite Party/s : Sri Akhileshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 06-10-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner, who is in custody since 24.01.2018, seeks bail in connection with Phulwari Sharif Police Station Case No. 47 of 2018 registered for offences punishable under sections 302, 201 and 120(B)/34 of the Indian Penal Code.

Informant in his fardbeyan has stated that on 20.01.2018 at about 7.30 PM his younger brother Vikash Kumar alongwith his friend Ranjan Kumar @ Chunnu went on a Appache motorcycle for participating in birthday function of his friend. At 9.00 PM Vikash Kumar informed him that he will return after one hour but his brother did not return back. Next day he found that mobile phone of Vikash Kumar was switched off then he informed



the local police, Gardanibagh thereafter the police informed him that two dead bodies were found in village which were of Ranjan Kumar and Vikash Kumar lying in a ditch and were partly burnt.

It has been submitted by the learned counsel for the petitioner that petitioner is not named in the FIR. His name has transpired on confessional statement of other two accused, namely, Subhash Paswan & Deepu Kumar who have been arrested in connection with this instant case. It has been further submitted that except the disclosure of name of this petitioner by the apprehended co-accused, there is nothing against the petitioner. One co-accused, namely, Santosh Kumar whose name was disclosed by the aforesaid co-accused, has been allowed bail by one of the co-ordinate Bench of this Court in Cr. Misc. No. 38598 of 2018 on 24.08.2018. The case of the petitioner stands on better footing to the case of co-accused who is on bail, as the petitioner remained in custody for nine months and so he also deserves bail.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Smt. Namita Singh, Sub-Judge-XV-cum-Additional Chief Judicial Magistrate, Patna in connection with Phulwari Sharif



Police Station Case No. 47 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

