

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19072 of 2019

Arising Out of PS. Case No.-926 Year-2018 Thana- PHULWARISHARIF District- Patna

Deepak Kumar @ Deepak Singh, son of Vindhyachal Sharma, Resident of Village-Babhanpura, P.S-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ Manu

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is languishing in custody since 19.11.2018 in connection with Phulwarisharif (Janipur) P.S. Case No.926 of 2018 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as per the written report of Saloni Kumari, submitted to S.H.O. Phulwarisharif P.S. is to the effect that on 09.11.2018 at about 8:00 A.M., the informant's father was sitting outside his house and talking to her daughter, in the meantime, two motorcycles stopped in front of the house of informant. One motorcycle was being driven by Deepak Kumar, the petitioner and the co-accused Subodh Singh @ Santu Kumar and Santosh Kumar, were the pillion rider and the other motorcycle was being driven by co-accused Sittu. Thereafter, co-accused Santosh and Subodh opened fired upon her father causing injury on his chest. On hearing



the sound of gunfiring, when her mother came out of the house, thereafter, the said miscreants flee away. Subsequently, the father of the informant was taken to the hospital and during that course, he succumbed to injury.

It is submitted by learned counsel for the petitioner that the specific accusation of firing is against the co-accused Subodh Singh and Santosh Kumar. It is further submitted that investigation has already been concluded and the petitioner is not having criminal antecedent, statement to that effect is made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the accusation to have assaulted the informant.

Considering the fact that the investigation has already been concluded and specific accusation of firing is against the co-accused Subodh Singh and Santosh Kumar coupled with the fact that the petitioner is not having criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-XV, Patna in connection with Phulwarisharif (Janipur) P.S. Case No.926 of 2018.

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(Dinesh Kumar Singh, J)

