

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23623 of 2019

Arising Out of PS. Case No.-574 Year-2017 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Deepak Rai, aged about 35, Male, Son of Anil Ray, Resident of Village-
Matihani, P.S-Matihani, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.
For the Opposite Party/s : Mr.Murli Dhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-06-2019 Heard learned counsel for the petitioner, the informant and

learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Begusarai
(Muffasil) P.S. Case No. 574/2017 registered for the offence
punishable under Sections 364, 302, 120(B) /34 of the Indian Penal
Code.

The prosecution case is short is that son of informant
Bholi Singh was witness of S.Tr. No. 668/08 which is murder case of
Futush Yadav in which accused Arvind Singh, Bal Mukund Singh,
Bambam Singh and Rajeev Singh were convicted by the learned
Sessions Judge, Begusarai. During trial all the accused put pressure
upon his son not to give the evidence in the aforesaid Sessions Trial.
Thereafter, Arvind Singh by his influence tried to lodge a case
against the witness and his family members and in that course, Sumit



Kumar the grandson of the informant was implicated in false case bearing Matihani P.S. Case No. 11 of 2016 who was acquitted in the case before two days. Thereafter, Arvind Singh and his brother, by hatching conspiracy with the help of Sanjay Choudhary, Balbul Kumar @ Vipul Bharduaj, Ashwani Kumar @ Sonu, Sachin Kumar, Chunchun Choudhary and Rajeev Kumar after releasing from jail on 13.12.2017 at about 11.00 A.M. kidnapped Sumit Kumar, the grandson of the informant and after committing the murder, threw his dead body in Banswari situated at Badi Egu Kangla Bahiyar. The petitioner is not named in the FIR and the informant is not eye witness of alleged occurrence. In the confessional statement of co-accused person namely Himansu Kumar has taken name of the petitioner, who is in custody since 28.01.2019.

In paragraph 63 of supplementary case diary, Supervision notes of police was mentioned. In paragraph no. 100 of supplementary case diary, witness nothing was stated regarding alleged occurrence and in paragraph no. 106 of supplementary case diary, criminal antecedent of petition was given and no such material was to be come in the aforesaid paragraph to connect the petition in present case.

The co-accused Vikash Kumar @ Chottu, Raju Jha, Vikram Chaudhary, Pankaj Kumar Jha and Maheshwar Yadav have granted bail in Cr. Misc. 52210/2018, Cr. Misc. No. 35515/2018, Cr. Misc. no. 62394/2018, Cr. Misc. no. 62735/2018 and Cr. Misc. no.



8539 of 2019 vide order dated 04.10.2018, 27.06.2018, 08.10.2018, 09.01.2019 and 10.06.2019 respectively.

Considering the entire facts of this case and nature of material against the petitioner, let the petitioner, above named, be released on bail **only after framing of charges against the petitioner** 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 C.J.M., Begusarai in connection with Begusarai (Muffasil) P.S. Case No. 574/2017, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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