

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39644 of 2019**

Arising Out of PS. Case No.-843 Year-2018 Thana- BHAGALPUR KOTWALI
District- Bhagalpur

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DEEPAK KUMAR @ DEEPAK YADAV S/o Mukesh Yadav @ Mukesh Kumar
@ Sunil R/o village- Mayagunj Road, Barari, P.S.- Barari, Distt.- Bhagalpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Swapnil Kumar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 22-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148 149, 302 and 201 of the Indian Penal Code registered in connection with Kotwali (Barari) P.S. Case No. 843 of 2018.

3. It is submitted that the petitioner has been falsely implicated and thrust of accusation of killing the informant's nephew is upon co-accused Md. Umar Chand who is said to have fired upon him and pushed him into fire. The accusation that the petitioner along with five accused persons assaulted the deceased with lathi and rod is not supported from the post *mortem* report which does not disclose any such injury. Similarly situated co-accused Md. Azam has been granted anticipatory bail by this Court by order dated 29.03.2019 in Cr. Misc. No. 17565 of 2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from



the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 843 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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