

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44295 of 2019

Arising Out of PS. Case No.-340 Year-2017 Thana- GAURICHAK District- Patna

DEEPAK KUMAR Son of Ram Vichar Singh Resident of Village -
Alawalpur, P.S.- Gaurichak, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Gaurichak Police Station Case No. 340 of 2017, disclosing offences under Section 302/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that in the night of 13.12.2017, when the informant was sleeping with his son, his son received mobile call and went out of the house and till the morning, he did not return. At about 12:30 noon, the informant received a message that a dead body was lying in a well and the same was identified as the dead body of his son. Learned Counsel for the petitioner submits that in course of investigation, it has come to light that the deceased



was having love affairs with co-villager Kiran Kumari, daughter of Ram Vichar Singh. He further submits that the petitioner is the brother of Kiran Kumari and during entire investigation, not a single witness has claimed to be eye-witness and no material has come against this petitioner. However, the Police has submitted charge sheet against rest of the accused persons, but keeping the investigation pending against the petitioner. He further submits that similarly circumstances co-accused persons, after perusal of the case diary, have been granted anticipatory bail by orders, dated 26.04.2019 and 07.05.2019, passed in Criminal Misc. Nos. 27235 of 2019 and 11857 of 2019.

After having heard learned Counsel for the parties and taking into consideration the fact that during investigation, no cogent material has come against the petitioner and that similarly circumstanced co-accused persons have been granted bail by this Court, this application is allowed.

Let the petitioner, Deepak Kumar, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate, Patna City, Patna, in connection with Gaurichak Police Station



Case No. 340 of 2017, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall
present himself before the police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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