

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77331 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- SAKRA District- Muzaffarpur

Deepak Ram Son of Yogendra Ram (But Wrongly given in F.I.R. as (Ravindra Ram) Resident of Village-Jagdishpur Baghnagri, P.S.- Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A. K. Thakur with Mr. Ravi Ranjan, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-12-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sakra PS Case No. 135 of 2019 dated 29.03.2019 instituted under Sections 302/120B/34 of the Indian Penal Code.

3. The petitioner is accused of killing the deceased, who was husband of the informant, by assaulting him.

4. Learned counsel for the petitioner submitted that in the FIR there is no allegation against him except that in the end it has been stated that he was also involved in the assault. Learned counsel submitted that against the petitioner there being



no discussion in the entire FIR where specific role has been assigned to other seven co-accused and only because of mentioning of the petitioner as being also involved in the incident, clearly indicates that he has been falsely implicated. It was submitted that the name of the petitioner not indicated while narrating the incident and thereafter only at the end alleging that he was also involved in the incident raises *bona fide* doubt with regard to the authenticity and reliability of the prosecution story due to which the petitioner deserves protection of the Court. It was submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that there is allegation of the petitioner also being involved in the incident.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IVth, Muzaffarpur in Sakra PS Case No. 135 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,



1973.

7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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