

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.323 of 2020

Arising Out of PS. Case No.-817 Year-2019 Thana- LAKHISARAI District- Lakhisarai

DEEPAK KUMAR @ DEEPAK Son of Fulaina Singh Resident of -
Vidyapith English, Ward No. 2, P.S.- Lakhisarai, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Informant	:	Mr. Sanjay, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-07-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

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

The petitioner apprehends his arrest in **Lakhisarai**
P.S. Case No. 817 of 2019, registered for the offences
punishable under Sections 364, 342, 120(B), 201 and 34 of the
Indian Penal Code.

Prosecution case in brief is that on 14.11.2019 at 5.00
pm, the husband of informant and the accused persons named in
the FIR were sitting for partition of the property. In the
meantime, the informant heard sound of her husband '*Bachao*',



upon which she went there, but she was confined in the room. It is further alleged that for sometime the noise of her husband came and thereafter stopped. Thereafter, nearby people and accused persons all came from Mokama and they ousted her from the room and thereafter she saw that her husband and the accused persons were not in the house. Thereafter, she inquired from Fulaina Singh and Pappu Singh who told her that her husband will never return. The informant has full confidence that accused persons committed murder of her husband by hatching up a conspiracy and disappeared the dead-body.

It is submitted that petitioner has been falsely implicated in this case due to land dispute. There is general and omnibus allegation against this petitioner. There is no eye-witness of the occurrence. The petitioner is remote agnate of the informant and he has no concern with the alleged offence. In fact, on the alleged date of occurrence, the deceased Sanjeet Kumar became seriously ill who was admitted in a private clinic, thereafter, the doctor has referred him to PMCH, Patna and on the way, he died. Moreover, one of the co-accused has already been granted bail by this court vide order dated 16.06.2020 passed in Cr. Misc. No. 479 of 2020. Petitioner has got clean antecedent.



Learned counsel for the informant however, vehemently opposed the prayer for bail and submitted that there is involvement of this petitioner in the alleged offence.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Chief Judicial Magistrate, Lakhisarai** in connection with **Lakhisarai P.S. Case No. 817 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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