

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22173 of 2020**

Arising Out of PS. Case No.-564 Year-2019 Thana- PURNEA SADAR District- Purnia

DEEPAK KUMAR @ DIPAK KUMAR Son of Sajjan Singh Resident of
Hasanpur, P.S.- Madhuban, District- Karna Hariyana.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amarnath Singh, Advocate Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-11-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sadar P.S. Case No. 564 of 2019 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the FIR has been lodged by one Kajal Kumari who is a transgender alleging therein that on 05.11.2019 while she was moving with her guru Muskan Kinnar and other members of the team, namely, Vipin Kumar and Chandu Sharma for a programme and as they stepped out of a tempo and were moving on the road, two boys came from behind on a motorcycle, they were wearing helmet and the boy who was behind the driver took out a pistol and fired on Muskan Kinnar. Said Muskan Kinnar fell down whereas the assailant fled away on the



motorcycle.

Learned counsel for the petitioner submits that in course of investigation police has come out with a prosecution case that it is the informant Kajal Kinnar who has hatched the conspiracy to murder said Muskan Kinnar and this petitioner who is said to be a friend of the informant was involved in the conspiracy.

Mr. Akhileshwar Dayal, learned APP for the State has gone through the case diary.

Learned APP has pointed out that in course of investigation it has come that the co-accused Deepak Kumar Rai who is a resident of Purnea had fired on the head of Muskan Kinnar and the another co-accused Mithu was driving the motorcycle. In his confessional statement Mithu who was later on arrested by the police party while trying to flee away has disclosed the name of Deepak Kumar Rai as the assailant. Kajal Kinnar has also made confessional statement in which she has named the said Deepak Kumar Rai as the assailant. It is, however, submitted that the name of this petitioner has transpired as the friend of said Kajal Kinnar and he is said to be involved in hatching conspiracy of killing of said Muskan Kinnar.

Having regard to the facts and circumstances of the case wherein the confessional statement of the co-accused and the informant have been extracted by the police in which the name of one Deepak Kumar Rai co-accused has been disclosed as the assailant and the name of this petitioner has transpired as a friend of



the informant and allegation against him is that he was involved in conspiracy but he has not been seen either at the place of occurrence and/or he is not said to be the assailant, the petitioner having remained in judicial custody since 09.11.2019, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 564 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.



And further condition that one of the bailors should be a resident of the State of Bihar having sufficient immovable property in the State.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

