

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28652 of 2020

Arising Out of PS. Case No.-207 Year-2019 Thana- DAWATH District- Rohtas

Deepak Kumar @ Deepak Thakur, S/o Ramsharan Singh @ Ramsharan Thakur, Resident of Village- Bairiya, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

Petitioner apprehends his arrest in connection with Dawath P.S. Case No.207 of 2019 instituted for the offence punishable under Sections 302, 307, 504, 147, 148, 149 of the Indian Penal Code and Section 27 of Arms Act.

The First Information Report discloses specific



allegation of causing the fatal firearm injury upon accused Shatrughan Singh. The petitioner and others have allegedly resorted to indiscriminate firing as members of the unlawful assembly.

Learned counsel for the petitioner submits that perusal of the FIR would show that Shatrughan Singh and Shailendra Dubey are the main accused persons. Firing has been attributed to Shatrughan Singh leading to the death of victim. The petitioner's implication is false. Merely because the petitioner was a supporter of one of the parties and the dispute arises out of Primary Agricultural Credit Society Election, petitioner has been implicated in this case. Other than allegation of firing from the south, there is no allegation that the petitioner has inflicted any injury upon any person. Petitioner bears no criminal antecedent. Co-accused Ankit Kumar Singh @ Bitu Singh, with more or less similar allegation, has been allowed bail in Cr.Misc. No.22732 of 2020, vide order dated 29.09.2020.

Learned APP has opposed the prayer for anticipatory bail. It is submitted that witnesses have supported the allegation in course of investigation and the bullet marks have also been found on the south while the allegation against the petitioner was firing from the south.



Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Additional Chief Judicial Magistrate, 1st, Bikramganj, District- Rohtas, in connection with Dawath P.S. Case No.207 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be



liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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