

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76996 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- PUNAURA District- Sitamarhi

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Dipak Kumar Singh @ Deepak Kumar Singh @ Dipak Kumar, S/O Shyam Mangal Singh, Resident of Village - Banshi Pachra, P.S. - Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

For the Informant : Mr. Surendra Kishore Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Punaura P.S. Case No.106 of 2019 registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant and his son both were working in ROS school at Sitamarhi. It is alleged that son of the informant was sent to bring some materials for the school from Muzaffarpur at the instance of owner of the school and the manager Dipak Singh (the petitioner). He was sent to Muzaffarpur on 13.06.2019 and this petitioner had also accompanied him. It is further alleged



that this petitioner has kept his son hide and on query he told that his son would come within 2-4 days but whereabouts of the son of the informant could not be informed to the informant and when he further enquired from the petitioner and owner of the school then they threatened him that he would also be killed.

Learned counsel for the petitioner submits that in this case in course of investigation the witnesses have stated that on 12.06.2019 during night hours son of the informant was seen at Bairiya bus stand, Muzaffarpur. The witness Binod Thakur whose statement has been recorded in paragraph 46 has stated that he was known to the Vicky @ Madhu (son of the informant). He had come to him in intoxicated condition and told him that this petitioner had come with him but he left him there. During this period, another witness Ram Pravesh Sharma had also come and there had been quarrel with him and thereafter this witness Binod Thakur had got the son of the informant in the bus and there he slept on the roof of the bus but at 2.00 am (night hours) when this witness went there, he found that Vicky @ Madhu had left the bus and had gone somewhere.

Another witness Ram Pravesh Sharma whose statement has been recorded in paragraph 57 has stated that he was known to the Vicky @ Madhu. He has also disclosed that he had got the Vicky @ Madhu at Bairiya bus stand where he was found in



drunken condition. The son of the informant had boarded in the bus, but because this witness raised objection on his being intoxicated condition he left the bus. It has further been submitted referring to the materials collected in course of investigation that the CDR of the mobile of the son of the informant has been examined and it has been found that the son of the informant had been talking to the several person over mobile on 12.06.2019 and it is the submission of learned counsel for the petitioner that save and except the allegation of the informant that this petitioner had also gone with his son and that is why a suspicion is being raised against him that he had got the son of the informant hidden somewhere, there are consistent materials in the case diary to show that the son of the informant was seen alone in intoxicated condition and from his own mobile he had talked to several persons till late evening on 12.06.2019.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner as according to him this petitioner had gone with son of the informant and because son of the informant is traceless, therefore the petitioner does not deserve privilege of regular bail. Learned counsel for the informant and learned APP for the State have, however, not alleged any motive against the petitioner in the alleged occurrence.

Considering the facts and circumstances of the case, the



materials present in the case diary where there are witnesses to say that the son of the informant had met them alone in intoxicated condition, he was taken to the bus where he slept on the roof of the bus, but thereafter he left the bus and at Muzaffarpur he informed those witnesses that he was left by this petitioner alone and thereafter he had talked from his mobile to several persons till late evening, there being no submission that the release of the petitioner is otherwise likely to interfere or tamper with the evidence or influence the witnesses, the petitioner being in custody since 09.07.2019, in the nature of the materials noticed by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Punaura P.S. Case No.106 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.

(Rajeev Ranjan Prasad, J)

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