

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18678 of 2021**

Arising Out of PS. Case No.-81 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

=====

Deepak Kumar @ Dipak Mahto, Male, aged about 26 years, Son of Kailu Mahto Resident of Village- Ward No.11, Godam Tola, Samsa, P.S.- Nowkothi, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 02-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Nowkothi PS Case No. 81 of 2019 instituted for the offence under Sections 364 and 34 of the Indian Penal Code.

The informant's nephew was returning from the fair when it is alleged that seven persons including the petitioner have abducted him. In the past also it is alleged that accused persons have meted out threats and there is recovery of blood stained



cloth from the *Jeetpur Bahiar* based on which the case has been lodged as murder case.

Petitioner's counsel submits that the alleged victim had returned late on the same day. It is not a case of murder as there is no loss of life. Charge-sheet has also not been submitted under Section 302 of the Indian Penal Code. Petitioner is in custody since 06.10.2020. It is submitted that the alleged victim boy, upon his return, has since been taken into custody in connection with Nawkothi PS Case No. 95 of 2018. His implication is based on extraneous consideration. After his arrest in the instant case, the petitioner has been implicated in one more case as per statement made in paragraph No.3 of the bail petition, in which he is already on bail.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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



Judicial Magistrate 1st Class, Begusarai, in connection with
Nowkothi P.S. Case No. 81 of 2019, 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.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

