

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21060 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- BALIYA District- Begusarai

DEEPAK YADAV @ DIPAK YADAV @ DEEPAK KUMAR Son of Fulena
Yadav Resident of Village- Mansoorchak, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr. Dr. Indiwari Kumari

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 29-11-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, on 01.02.2020 co-accused, Nitish Kumar, came at the house of informant and took her son Bikky Kumar and her neighbour, Chhotu Kumar, with him to take part in immersion of goddess Sarswati but they did not return. On search, dead bodies of her son and Chhotu Kumar were found in orchard of Md. Shamshad with cut injury on their neck. The informant suspects that due to old enmity co-accused, Nitish Kumar, with his associates committed the murder of her son and Chhotu Kumar.

Learned counsel appearing for the petitioner submits



that petitioner is not named in the FIR. The name of petitioner has surfaced in this case during the course of investigation in the confessional statement of co-accused, Munna Kumar. As per FIR, co-accused, Nitish Kumar, had taken away both the deceased with him and he has strong motive to commit such crime. So far this petitioner is concerned, he has no motive to commit the crime and there is no eye witness of the occurrence. Save and except confessional statement, there is no legal evidence against this petitioner to show his involvement in the aforesaid crime. Petitioner is in custody since 12.10.2020 and investigation in this case is complete.

Learned counsel appearing for the State vehemently opposed the prayer for bail and submitted that as per confessional statement of co-accused, this petitioner caught the leg of one of the deceased and thereafter co-accused, Nitish Kumar, assaulted him with Fasuli as a result of which he died.

Considering the facts of the case and the period of custody of the petitioner and the fact that save and except confessional statement there is no material against this petitioner, 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 Chief



Judicial Magistrate, Begusarai in connection with Balia PS case
No.33/2020.

(Prabhat Kumar Singh, J)

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