

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14189 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

DEEPAK KUMAR S/o Rakesh Prasad @ Rakesh Kevat R/o village- Station
Road, Bela Gola, Harinagar, P.S.- Ramnagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 12-01-2021 Heard Mr. Arvind Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned

Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 664 of 2019 arising out of Rail Thana
Narkatiyaganj P.S. Case No. 42 of 2019 registered for the
offences punishable under Sections 302 and 201/34 of the
Indian Penal Code 1860.

The allegation as per the First Information Report
is that the brother of the informant who was mentally
retarded has left the house on 4.5.2019 about 11:00 a.m.
morning and did not return till evening. When the informant
enquired from the co-villagers, he learnt that his brother



was seen in the rally of Prime Minister at Ram Nagar. Upon this information, the informant along with other family members proceeded towards Ram Nagar and on query made from the local people he was told that the dead body of one unknown person was found lying in the ditch and when the informant arrived there, he saw that one person (petitioner) was caught by the Police who disclosed that on the previous night at about 1:00 a.m. he along with another co-accused person assaulted the deceased considering him as a thief inasmuch as some money and Mobile Phone were allegedly stolen by the deceased.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the deceased who was mentally retarded as would be evident from the First Information Report, was beaten by the local people saying that the deceased had allegedly stolen a sum of Rs.1,500/- and a Mobile Phone. Learned counsel further submits that altogether seven persons including petitioner are named in the First Information Report who allegedly assaulted the deceased, but there is no specific allegation of assault against the



petitioner. The petitioner has been implicated in this case on the basis of his confessional statement made before the Police. Learned counsel also submits that other co-accused persons namely, Ajay Sah, Sonu Kumar and Amit Kumar have been granted regular bail by co-ordinate Benches of this Court in Cr. Misc. Nos. 61048 of 2019, 9199 of 2020 and 69794 of 2019 respectively. Learned counsel also submits that the petitioner is in custody since 8.5.2019 and the charge sheet has already been submitted as well as there is no apprehension that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 8.5.2019 and similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned 2nd Additional Sessions Judge (West), Champaran, Bettiah, in connection with Sessions Trial No. 664 of 2019 arising out of Rail Thana Narkatiyaganj P.S. Case No. 42 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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