

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33057 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

Deepak Kumar, Son Of Shiv Shankar Prasad @ Shiv Shankar Ram R/O
Village- East Indira Nagar, Road No.-2, P.S.- Ramakrishna Nagar, District-
Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Jayram Prasad- Advocate
		Mr. Niranjana Kumar Singh- Advocate
For the Opposite Party/s :		Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-12-2021 Heard the learned senior counsel for the petitioner
and the learned APP for the State.

The petitioner seeks bail in connection with
Ramkrishna Nagar P. S. Case No.220 of 2020, instituted for the
offences under Section 364/ 34 of the Indian Penal Code.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 22.07.2020, he is a person
with clean antecedent and charge-sheet has been submitted in
this case.

The learned senior counsel for the petitioner further
submits that from perusal of the allegation as alleged in the
F.I.R., it would manifest that the informant alleges that his son



was staying on rent at Jaganpura and worked on a part-time basis as Physiotherapist. The informant was informed by his relative that his son on 19.07.2020 at 3.00 P.M. had gone out of the house and at 10.00P.M. the informant received information that his son is not back. Accordingly, it is alleged that informant left for Patna and reached Patna in the morning on 20.07.2020 and was informed that his son has been killed and the body has not been recovered. Further his son (Mantu Kumar) used to go to the house of his friend Deepak Kumar for doing physiotherapy of his father. Further Deepak Kumar along with his two friend took the son of the informant to his house near Nala (canal) for drinking and there the son of the informant was killed by Deepak Kumar and his two friend and body was thrown in the canal. On asking, the accused disclosed that the deceased fell in the canal. In the footage, Deepak Kumar (petitioner) in around 8.30-9.30 was seen fleeing.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it does not become clear that as to who informed the informant about the occurrence, also that there is no eye witness to the occurrence, further the learned senior counsel submits that from the allegation, it also manifests that the deceased was friend of



this petitioner and used to go to his house for doing physiotherapy of his father. It is also submitted that as far as the allegation of drinking is concerned, the same has not come during course of investigation.

Learned counsel further submits that the during course of investigation based on CCTV Footage, it transpired that this petitioner and the deceased were seen sitting on a motorcycle, as such, the allegation that in the CCTV Footage, this petitioner was seen fleeing is an exaggeration to implicate the petitioner, to show that after committing the occurrence, he was fleeing.

The learned senior counsel for the petitioner also submits that admittedly, in the F.I.R., no reason or motive has been assigned for the occurrence and that petitioner is a young boy of 24 years and is a person with clean antecedent.

Learned A.P.P. opposes the bail application and submits that in the CCTV footage, the petitioner was seen sitting with the deceased on a motorcycle, as such, it is a case of last seen. The learned A.P.P. is not able to meet the submission of the learned counsel for the petitioner that during course of investigation also nothing surfaced which could even remotely suggest that petitioner had any motive for committing the



offence.

Considering the fact that the petitioner is in custody since 22.07.2020, he is a person with clean antecedent, charge-sheet has been submitted in this case and during course of investigation also nothing has come suggesting that petitioner was harbouring some motive for committing the offence, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Patna in connection with Ramakrishna Nagar P. S. Case No.220 of 2020, with a condition that one of the bailors shall be the mother of the petitioner and when the trial commences and the petitioner does not appear on two consecutive dates before the learned Court below, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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