

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20088 of 2020**

Arising Out of PS. Case No.-564 Year-2019 Thana- PURNEA SADAR District- Purnia

DEEPAK KUMAR RAI @ DEEPAK KUMAR Son of Kamal Kishore Rai @
Kamal Kishore Prasad Resident of Village - Milanpara, Khishkibagh P.S. -
Sadar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv Mr. Pravin Kumar, Adv Mr. Malay Kumar Choudhary, Adv
For the State	:	Mr. Aditya Narain Singh, APP

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

7 12-02-2021 Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 23.01.2020 in connection with Sadar P.S. Case No. 564 of 2019 for the alleged offences under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner along with co-accused Mithu Kumar Sharma has been falsely implicated in connection with alleged murder of Muskaan Kinnar. It is submitted that the petitioner has not been named in the FIR, rather his name has surfaced in the extra judicial confessional statement of co-accused Mithu Kumar Sharma and others. It is submitted that such confessional statement is not admissible and



except the same there is no objective material to connect the petitioner with the alleged occurrence. The FIR is against unknown, but the petitioner has not been put on test identification parade for his identification. The said co-accused Mithu Kumar Sharma has been granted bail by this Court in Cr. Misc. No. 31837 of 2020. The petitioner has already suffered more than one year in custody since 23.01.2020. The petitioner claims clean antecedents.

4. Learned APP appears and opposes the bail petition, submitting that apart from the confession of co-accused Mithu Kumar Sharma, the informant in her statement in para 60 of the case diary has also supported the prosecution case and reiterated the allegation against the petitioner. The said co-accused Mithu Kumar Sharma has been granted bail on the submission that it was this petitioner who was the main assailant who had fired upon the deceased. The petitioner is accused in another case under the Arms Act.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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