

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37263 of 2021

Arising Out of PS. Case No.-444 Year-2020 Thana- DANAPUR District- Patna

Depu Kumar @ Dipu Mahto Son of Deo Nath Mahto Resident of Biscuit
Factory, Nasreeganj Ward No. 28, P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohan Verma, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Danapur P.S. Case No. 444 of 2020 dated 10.08.2020 instituted
for the offences under Sections 302, 120(B), 201 and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 14.08.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that informant alleges that on 10.08.2020 his brother
(Sudama Kumar) had gone on his private vehicle to return the
dues amount. Thereafter, it is alleged that he made a call to his



mother that he is at Danapur and his life is in danger and asked for help, thereafter the informant along with his family members went to Danapur and informed the higher officials regarding the threat on the life of his brother and they also made search but could not find him and in the next morning the informant got information that the dead body of his brother was lying near Patliputra bridge.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. rather the name of petitioner has come during the course of investigation on the basis of confessional statement of co-accused Manoj Kumar as recorded in paragraph '16' of the case diary. It is further submitted that no motive has been attributed to the petitioner and only material that has come in the confessional statement of the co-accused is that the petitioner was also one of the conspirators, further there is no direct or indirect allegation against this petitioner save and except the confessional statement of co-accused. Learned counsel further submits that similarly situated co-accused Subham Kumar @ Chaddha has been granted bail by this Court vide order dated 09.08.2021 in Cr. Misc. No. 28718 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is in custody since 14.08.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and the similarly situated co-accused has been granted bail as aforesaid, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur in connection with Danapur P.S. Case No. 444 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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