

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28218 of 2020**

Arising Out of PS. Case No.-224 Year-2018 Thana- PATEPUR District- Vaishali

DEEPAK KUMAR @ DOCTOR S/o Vilium Kumar Raut Resident of Village-
Hashanpur Bhatwan, P.S.-Hashanpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.

For the Opposite Party/s : Mr.Abhay Kumar No.1, APP

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

7 08-01-2021 Heard both sides.

The petitioner seeks bail in Patepur P.S. Case No.224 of 2018 registered under Sections 364 and 120B, 302, 201 of the Indian Penal Code, Section 27 of the Arms Act and Sections 13, 16, 19 and 20 of the Unlawful Activities Prevention Act.

The informant alleged that at about 9.30 in the night, her husband and his co-villager Ramesh Jha had gone to Canal for irrigation of their field. Wife of Ramesh Jha rang her husband from mobile No.6207768221 to mobile No.8757682568 and asked him to return. Ramesh Jha replied that near Canal bridge, Amarnath Sahni, Hemant Sahni, Asheshwar Sahni, Vijay Sahni @ Raja Sahni and others surrounded him and Ranjit Kumar Singh. The informant after having received such information, went to the place of



occurrence along with some villagers and found Surendra Sahni, Ritu Devi, Shobha Devi, Kavita Kumari, Mst. Sitabiya, Rubi Devi, Mst. Punam Devi, Pankaj Rai and Md. Iliyas were standing near the bridge. They all being armed with firearm. They asked the informant and others to return failing which they would be killed and they kidnapped her husband and Ramesh Jha.

The learned counsel for the petitioner submits that petitioner is innocent and he has in fact committed no offence. Petitioner is not named in the F.I.R. The name of the petitioner surfaced in the case in the confessional statement of co-accused. Save and except the confessional statement of co-accused, there is no material on record to show the involvement of the petitioner. Petitioner is in jail since 13.03.2019 and many other accused persons namely, Rubi Devi, Kavita Kumari, Punam Devi, Sitabiya Devi, Ritu Devi, Ravindra Sahani @ Lulahwa @ Lohba, Surendra Sahni and Lalbabu Sahani have been granted bail by different Benches of this Court. The case of the petitioner stands on the same footing.

On the other hand, learned A.P.P. opposed the prayer for bail and submits that of course the name of the petitioner surfaced in the case in the confessional statement of co-accused



but petitioner has also confessed his guilt. The Maoists kidnapped two persons and after killing them concealed their dead bodies in a field. During the course of investigation, it has come that accused persons confessed their guilt and on the basis of their confession, dead bodies were recovered but the investigating officer also annexed the call detail report of the mobiles of different accused persons. The movement of the mobile numbers were found near the place of occurrence at the time of occurrence and also at the place where the dead bodies and other articles were recovered. The petitioner has got criminal antecedent.

It appears that two persons were killed by extremists' organization and some of them were duly identified by the informant-widow of one of the deceased and on confession of other accused persons including the petitioner, dead bodies of both the deceased were recovered. The C.D.R. also shows the movement of the petitioner and their presence in and around the place of occurrence and from where the dead bodies were recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.



The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The S.P., Vaishali is directed to ensure the attendance of the witnesses so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to the trial court as well as the S.P., Vaishali for information and needful.

(Prabhat Kumar Jha, J)

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