

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38831 of 2020**

Arising Out of PS. Case No.-74 Year-2019 Thana- GANGABRIDGE District- Vaishali

DEPAK KUMAR DAS @ DIPAK DAS Son of Anil Kumar Das @ Anil Das
Resident of Village- Dharampur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 30-06-2021 Heard learned counsel for the petitioner and Mr. Awadhesh Kumar Singh, learned A.P.P. for the State. The I.O. of this case is also present with Mr. Akhileshwar Dayal, learned APP and has assisted this Court.

Petitioner in the present case is seeking regular bail in connection with Ganga Bridge P.S. Case No.74/2019 registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story this petitioner was one amongst the other named accused persons who had entered into a criminal conspiracy, came at the Darwaza of the informant and took away the son of the informant. Later on the dead body of the son of



the informant was found in Banana Orchard of village Sahdulahur near Chandani School. Learned counsel submits that it is a case of false implication because earlier the petitioner had participated in a panchayati as a panch and had rendered a decision with other panches asking the son of the informant not to commit illicit act with the widow of the co-villager.

Learned counsel submits that because the petitioner had opposed the wrong and immoral activities of the deceased, he has been falsely implicated in this case. In course of investigation several independent witnesses whose statements are recorded in paragraph '70' '72', '73' and '77' have stated that the informant's son (deceased) was found involved in illicit act for which the informant's son was handed over to police by the panches but later on he was allowed to go to home. It is further submitted that the petitioner has otherwise no criminal antecedent and he has been implicated on mere suspicion, he has remained in custody for over one year, investigation against him is complete but the trial is not likely to be concluded in near future.

Mr. Dayal, learned APP and the I.O of this case have jointly opposed the prayer for bail of the petitioner but at the same time, learned APP submits that there are general and



omnibus allegation against the accused persons.

Having regard to the facts and circumstances of the case, the materials which have been placed before this Court in form of the paragraphs which are stated hereinabove giving an impression that the petitioner has been made accused on mere suspicion, the petitioner has remained in custody in connection with this case for over one year, investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that the release of the petitioner is in any way likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No.74/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

