

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5125 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- BARUN District- Aurangabad

Deepak Kumar Singh S/o Ashok Kumar Singh Resident of Village- Hetampur
Siris, P.S.- Barun, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Amrendra Kumar Singh, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Barun P.S.
Case No. 143 of 2021 registered for the offence under Sections 147,
148, 341, 323, 307, 379, 354, 448, 324 and 504 of the Indian Penal
Code. Later Section 302 of the I.P.C. added.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.06.2021.

The allegation against the petitioner is to commit murder
of the cousin brother of informant by causing head injury, while
making an assault with “*Farsa*”.

Learned Senior counsel appearing on behalf of the



petitioner submitted that though allegation of assault is appeared specific against this petitioner, as per F.I.R., but none of the witnesses including injured witnesses stated during course of investigation that alleged fatal assault was caused, specifically, by this petitioner. It is pointed out that in para-22 of the case diary, where statement of wife of deceased is recorded clearly suggest that no any such assault was made by this petitioner, rather same was caused by one Uttam Kumar Sharma and Chandan Kumar Choudhary. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Dheeraj Kumar, appearing on behalf of informant, while opposing the prayer of bail, submitted that there is no reason to disbelieve the version of informant, as assault was made specifically, by this petitioner.

Considering the facts and circumstances as mentioned above, by taking note of contradictory statement of different eye witnesses of the occurrence as to cause fatal assault, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barun P.S. Case No. 143 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate,
Aurangabad/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Rahul Kumar, who is the elder brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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