

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39782 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- PRATAPGANJ District- Supaul

Deepak Kumar Son of Bijendra Yadav R/O Village- Tintoliya Ward No.-12,
P.S.- Pratapganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 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
Pratapganj P.S. Case No. 144 of 2021 registered for the offence
under Sections 320, 120(B) and 34 of the Indian Penal code and
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.12.2021.

The allegation against the petitioner is to commit
murder of brother of the informant due to local political
differences alongwith other co-accused persons by causing fire
arm injuries.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and the name of petitioner surfaced, during the course of investigation, merely on the basis of suspicion, as his mobile was found with same tower location, where occurrence took place. It is further submitted that save and except tower location, no incriminating material recovered/surfaced during the course of investigation, which may suggest involvement of petitioner with present occurrence. It is also submitted that the petitioner was involved in one more criminal case, as Juvenile. While concluding the argument, it has been submitted that 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 appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as implication is based merely on the basis of suspicion, as mobile tower location of petitioner found with same tower location where occurrence took place coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Pratapganj P.S. Case No. 144 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 S.D.J.M., Birpur/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 deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

