

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64436 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- JAGDISHPUR District- Bhojpur

Deepak Kumar, Son of Late Pukar Prasad @ Pukar Tatwa, Resident of Village
- Siyaruwa, P.S.- Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-08-2022 Heard Mr. Ashok Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Madan Kumar,
learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Jagdishpur P.S. Case No. 140 of 2021 for the offence punishable
under Section 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per the allegation made in the F.I.R., the petitioner
along with other co-accused persons is alleged to have caught
hold the deceased namely Narad Mahto whereupon co-accused
Umesh Paswan and Sunny Sah fired upon him causing fire arm



injury leading to death of the victim. Thereafter, all the accused persons fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the specific allegation of causing fire arm injury to the deceased Narad Mahto is against co-accused Umesh Paswan and Sunny Sah. The injuries sustained by the deceased is corroborated by the post mortem report. Allegation against the petitioner is that he was present at the place of occurrence and he had caught hold the deceased whereupon co-accused Umesh Paswan, the main assailant, fired upon the deceased, as a result of which, the deceased succumbed to death. It was further submitted that the petitioner has clean antecedent and is in custody since 08.04.2021. On these ground, the petitioner seeks to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that it is the petitioner who had caught hold the deceased, whereupon co-accused Umesh Paswan fired upon the deceased which took the life of the deceased who was the neighbour of the informant. Hence there cannot be any vested interest of the informant to make false allegation against the petitioner. Petitioner, in such circumstances, does not deserve to be released on bail.



Having heard the rival submissions of the parties and having considered the materials which has come in course of investigation, it appears that the petitioner had caught hold the deceased. The specific allegation of firing is against the co-accused Umesh Paswan and Sunny Sah. There is no specific allegation that there was any previous enmity with the petitioner. The two injuries sustained by the deceased are attributable to the co-accused Umesh Paswan and Sunny Sah. Petitioner has remained in custody since 08.04.2021. Prima facie, it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bhojpur, Arrah in connection with Jagdishpur P.S. Case No. 140 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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