

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65591 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- ITARHI District- Buxar

Deepak Singh @ Deepak Kumar Singh, Son of Late Surendra Singh, Resident
of Village - Hakimpur, P.S.- Itarhi, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 108 of 2021, arising out of
Itarhi P.S. Case No. 158 of 2020, registered for the alleged
offences under Sections 302, 201, 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per prosecution case, the husband of the informant,
who was a driver, was shot dead by unknown miscreants and his
dead body was left in the vehicle below the seat. The name of
the petitioner transpired during investigation as the person who
shot the husband of the informant dead.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and has no role in the present occurrence. The petitioner is not named in the FIR and his name came up during investigation in the confessional statement of co-accused Bhuwar Singh @ Om Prakash Singh. Except for the confessional statement of the co-accused, there is no material to connect the petitioner with the alleged occurrence. No recovery at the instance of the petitioner has been made. The co-accused, who has named this petitioner, has been granted bail by a Coordinate Bench of this Court vide order dated 14.09.2021 passed in Cr. Misc. No. 11691 of 2021. The petitioner is in custody since 25.01.2021. He is having five criminal cases pending against him.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and a notorious criminal. Learned APP further submits that it has come in the confessional statement of the co-accused that the petitioner fired upon the deceased and shot him dead. But learned APP concedes that there is no recovery of any tangible material from this petitioner or at his instance.

Perused the records.

Having regard to the facts and circumstances and



submission made hereinabove and considering the fact that except for confessional statement, nothing has come up during investigation to connect the petitioner with the alleged crime and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IX, Buxar, in connection with Sessions Trial No. 108 of 2021, arising out of Itarhi P.S. Case No.158 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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