

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65823 of 2021

Arising Out of PS. Case No.-659 Year-2021 Thana- SITAMARHI District- Sitamarhi

DEEPAK KUMAR Son of Ramprit Mukhiya Resident of Village - Rajo Patti,
P.S. and District – Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 659/2021 registered for the offences punishable
under Sections 341, 342, 323, 307, 504, 506, 153, 34 of the
Indian Penal Code and subsequently added Section 302 of the
I.P.C.

As per prosecution case, the petitioner and others
armed with lathi, danda, sword and iron rod came to the shop of
informant's father and started to construct a tent for selling
Rakhi. It is alleged that co-accused, Ramprit Mukhiya assaulted
the informant's father with iron rod due to which he fell down



on side of drainage. It is further alleged that the petitioner and others also assaulted the informant's father by means of lathi, danda and fists.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 19.08.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific allegation against the petitioner and there is general and omnibus allegation against him. There is no repetition of blow nor any intention to kill the informant's father and as such no case is made out under Section 302 of the I.P.C. so far against the petitioner is concerned. Learned counsel for the petitioner further submits that there is specific allegation against co-accused, Ramprit Mukhiya, who had given iron rod blow on the head of the deceased and the prosecution story is supported by the postmortem report as deceased has received only injury on temporal parital region, which is mentioned in para 43 of the case diary. Co-accused, Vishnu Kumar has been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.71667/2021 and the case of present petitioner stands



on better footing as far as regular bail of the petitioner is concerned.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, similarly situated co-accused has already been granted anticipatory bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 659/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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