

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12073 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

Deepak Kumar, Gender-Male, aged about 22 years, Son of Srikant Prasad Yadav @ Lal Babu Rai Resident of village - Madhopur, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate

For the Opposite Party : Mr. Dr. Mrityunjaya Kr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 45 of 2022 dated 12.02.2022, instituted for the offence punishable under Sections 394 and 302 of the Indian Penal Code.

3. As per the prosecution case, the informant received a call from unknown number at Rajapati, one CSP owner has been shot by some unknown persons and looted away his money. Further, the informant reached hospital and found his brother, namely, Ram Narayan Singh @ Galedu Singh dead. Thereafter the informant lodged an F.I.R. against two unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent. It is submitted that the petitioner was



accused in Baikunthpur P.S. Case No. 278 of 2022 and on the basis of that, he has been implicated in the present case only on suspicion. Learned counsel for the petitioner further submits that the petitioner has already been granted bail in Baikunthpur P.S. Case No. 278 of 2022. Further, it is submitted that the petitioner is not named in the First Information Report and there is no eye witness of the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Till date, no Test Identification Parade (T.I.P.) has been conducted. Further, he submits that another co-accused, namely, Bhagwan Kumar Yadav @ Bhagwan Ray has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 27.04.2023 passed in Criminal Miscellaneous No. 70964 of 2022. Lastly, it has been submitted that the petitioner is in custody since 12.10.2022, charge-sheet has been submitted and he has one criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.,



Gopalganj in Baikunthpur P.S. Case No. 45 of 2022, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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