

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.16371 of 2023**

Arising Out of PS. Case No.-394 Year-2018 Thana- MITHANPURA District- Muzaffarpur

DEEPAK KUMAR @ DEEPAK SINGH SON OF SHRI NAGENDRA  
PRASAD SINGH R/O MOHALLA- SHIV SHANKAR PATH,  
MITHANPURA, P.S.- MITHANPURA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY  
ORAL ORDER**

2      15-03-2023                      Heard the parties.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is an accused in connection with  
Mithanpura P.S. Case No. 394 of 2018 registered for the  
offences under Sections 420, 290 and 34 of the Indian Penal  
Code.

The prosecution story, in short, is that the informant  
has stated in his written report that on 22.10.2012, Kiran  
Kumari aged 17 years was living with her so-called brother-in-  
law, Dileep Mahto in the house of Rakesh Singh @ Tuntun  
Kumar at Khadi Bhandar as tenant. Kiran Kumari filed an  
application on 21/22.10.2018 against five accused persons for



rape and assault for which Mithanpura P.S. Case No. 393 of 2018 was registered under Section 376 (D) and other sections of the I.P.C. and POCSO Act and SC/ST Act against the accused Chandan Thakur, Chhoto Thakur, Tinku Thakur and Dablu Thakur. However, no sign of rape has been confirmed on examination of the victim. He later stated that he is in business of liquor in full cooperation and support of accused and the petitioner herein, Deepak Kumar @ Deepak Singh.

Accordingly, the said house was raided and 240 bottles Indian Made Foreign Liquor was/were recovered/seized.

Earlier the matter was taken up vide Cr. Misc. No. 69594 of 2021 and rejected on 25.07.2022.

Taking into account the fact that he is custody since 21.09.2021(as stated in paragraph 1 of the bail petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Special Judge, Excise Court No. 1, Muzaffarpur in connection with Mithanpura P.S. Case No. 394 of 2018, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



*bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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