

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15713 of 2023**

Arising Out of PS. Case No.-1111 Year-2022 Thana- DANAPUR District- Patna

Deepak Kumar @ Raja @ Dhosa @ Dosa @ Deepak Gupta S/O Sunil Prasad  
Gupta @ Sunil Kumar Resident of Village- Bibiganj, Maida Toli, P.S.-  
Danapur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 33006 of 2023**

Arising Out of PS. Case No.-1111 Year-2022 Thana- DANAPUR District- Patna

Jeetu Kumar @ Gujju Mali Son of Late Mahendra Bhagat @ Mahendra  
Prasad Bhagat R/O Village - Chhoti Machhua Toli, P.S.- Danapur, District -  
Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 15713 of 2023)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate  
Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 33006 of 2023)

For the Petitioner/s : Mr. Ravi Kant Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      04-07-2023      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since  
01.12.2022 and 22.10.2022 in connection with Danapur P.S.  
Case No. 1111 of 2022, F.I.R. dated 16.10.2022 for the offences  
punishable under Sections 147, 148, 149, 341, 326, 302 of the



Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, as per the written report of the informant namely, Usha Devi stating therein that on 15.10.2022 at about 9:30 O'clock (at night) when the informant was returning home along with her son Sonu Kumar @ Keshari after purchasing medicine for her daughter from Ramjee's Medical shop, at Machhauatolo. On the way of returning home some petitioners along with F.I.R. named accused persons started firing on informant's son at middle road, near Kullu Sweet shop, Sadar Bazar. In the meantime due to the said firing the informant got unconscious at the place of occurrence and after some time when the informant gained back her consciousness, she found that her son Sonu @ Khesari was lying on the middle of road and the informant's son was soaked in blood. After that hearing the noise concerning police came to the said place of occurrence and took the informant's son to the hospital and there the doctors declared him dead.

Learned senior counsel for the petitioners submits that petitioner namely, Deepak Kumar @ Raja @ Dhosa @ Dosa @ Deepak Gupta has clean antecedent and petitioner namely, Jeetu Kumar @ Gujju Mali has two criminal antecedents other than the present one. He further submits that the petitioners are



innocent and they have falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. that altogether five persons have shot fire upon the son of the informant but the postmortem report suggest that only two injuries were found on the person of the deceased and there is no specific allegation against whom that who fired upon the son of the informant, rather there is general and omnibus allegation against all the accused persons including the petitioner have fired upon the son of the informant. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 01.12.2022 and 22.10.2022 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner namely, Deepak Kumar @ Raja @ Dhosa @ Dosa @ Deepak Gupta has clean antecedent and petitioner namely, Jeetu Kumar @ Gujju Mali has two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M.-I, Danapur, Patna in connection with Danapur P.S.

Case No. 1111 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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