

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38486 of 2023

Arising Out of PS. Case No.-473 Year-2019 Thana- SAUR BAZAR District- Saharsa

Deepak Kumar @ Deepak Sharma, son of Manilal Sharma @ Nunumani Sharma, resident of Village-Bishwari Ward No-2, P.S.-Gwalpara Dist-Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sour Bazar (Pastpar O.P.) P.S. Case No.473 of 2019 registered for the offences punishable under Sections 147, 148, 149, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR and is in custody since 31.03.2023.

4. Allegation against the petitioner is to commit murder of the son of informant along with other unknown co-accused persons by causing firearm injuries, where occurrence arises out of overtaking issue.

5. It is submitted by learned counsel that the name of



this petitioner surfaced on the basis of confessional statement of co-accused, namely, Angad Kumar, where in furtherance of, no incriminating material recovered/surfaced as to connect the petitioner *prima facie* with present occurrence of murder. It is submitted that said Angad Kumar has already granted bail by learned sub-ordinate court itself. It is further submitted that though the petitioner initially named in two more criminal cases but, after investigation, final form submitted against him and as such, it can be said safely that the petitioner is a man of clean antecedent. While concluding argument, it is submitted that investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as save and except confessional statement, nothing incriminating appears against this petitioner as to connect him *prima facie* with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.03.2023, accordingly, the petitioner, above-named, is



directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Judge, Saharsa in connection with Sessions Trial No.66 of 2021 arising out of Sour Bazar (Pastpar O.P.) P.S. Case No.473 of 2019 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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