

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38490 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- SAUR BAZAR District- Saharsa

Deepak Yadav @ Deepak Kumar S/o Pulendra Yadav R/o village- Muharniya
Khajuri, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Sour Bazar P.S. Case No. 184 of 2022, registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as emerges from the FIR is that on 08.04.2022 at about 6:00 PM, when the husband of the informant going towards Baijanathpur Chowk, petitioner along with associates stopped his motorcycle and shot at him, due which he died.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was not named in the FIR. He also submits that all the accused-petitioners named in the FIR have already been enlarged on bail by the Trial Court itself. He also submits that in the present case of the petitioner is on much better footing than that of the co-accused who have been enlarged on bail by the Trial Court. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 11.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in thirteen other cases and in all these cases, he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ms. Shiv Shrutika, Judicial Magistrate, 1st Class, Saharsa in connection with Sour Bazar P.S. Case No. 184 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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