

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40629 of 2022**

Arising Out of PS. Case No.-166 Year-2021 Thana- AKBARPUR District- Nawada

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DEEPAK KUMAR @ KARU SINGH S/O RAVINDRA SINGH Resident of
village- Pirauta, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 25-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Akbarpur P.S. Case No. 166 of 2021 registered for the offences
punishable under Sections 302 and 34 of the Indian Penal
Code,1860.

As per prosecution case, in the evening co-accused
Lushan Singh summoned informant's son and took him and when
the informant's son did not return then informant thought that the
deceased might be at temple as it was the occasion of Shivratri.
The informant further stated that one co-villager came to
informant's house and stated that her son was lying dead near a



pole on the road and after that the informant found her son dead on the said pole. It is further alleged that Bhusan Singh, Pramod Singh and other unknown co-accused persons committed the murder of informant's son by assaulting him.

Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the present petitioner has been surfaced on the re-statement of informant on 02.11.2021 which is after near about 8 months from the date of occurrence. He further submits that except suspicion there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No tangible evidence is available on the record against the petitioner. Petitioner is quite innocent and has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. Learned counsel for the petitioner submits that petitioner is in custody since 11.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Akbarpur P.S. Case No. 166 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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