

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52107 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- JOKIHAT District- Araria

DEEPAK KUMAR SON OF SIYARAM BISHWAS R/O-BORAIL, WARD
NO. 10, P.S.-JOKIHAT (MAHALGAON), DISTT.-ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Jokihat (Mahalgaon) P.S. Case No. 225 of 2023 registered under Sections 147, 149, 341, 323, 379, 364, 365, 504 and 506 of the Indian Penal Code lodged on 12.05.2023 by the informant, Ramanand Biswas.

As per the prosecution story, the allegation is that the complainant was attending the marriage of his nephew and the barat Party reached at 12 A.M. There was dispute between the parties relating to the dowry, the bride side resorted to firing and thereafter, kidnapped the bridegroom, his father and two other members of the barat party. It was only after the timely rescue of the police, they were saved. Accordingly, the FIR.

It is the case of the petitioner that he is the cousin brother of the bride. The *barat* came after midnight and



straightaway demanded dowry. They pursued them to get the marriage solemnized, infuriated they lodged the complaint, there was no kidnapping rather they were taken to a place for negotiation and it is improbable that the bridegroom and his father will be kidnapped on the day of marriage of his own cousin sister.

Further submission is that one of the co-accused Md. Majid assaulted by the police which led to his confession and as a result, the petitioner is in custody since 15.05.2023 (as stated in paragraph-18 of the petition). He is a young boy having clean antecedent and unfortunately, the marriage too broke down.

Learned APP for the State opposes the prayer for bail stating that allegation against him amongst other is of kidnaping the bridegroom/father as also abuse/assault.

Taking into account the submissions put forward by the learned counsel for the petitioner, he is a young boy having no criminal antecedent, has remained in custody since 15.05.2023 and will be diligently appearing in the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S.

Case No. 225 of 2023, 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/her *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/her 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.

(Rajiv Roy, J)

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