

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54325 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- HUSSAINGANJ District- Siwan

Deepak Kumar @ Deepak Prasad Son Of Suresh Kumar @ Suresh Prasad
Resident Of Village - Laxmipur Siswan Dhala, P.S. - Siwan (town), Distt. -
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.06.2023 in connection with B.P. No. 670 of 2023 arising out
of Hussainganj P.S. Case No. 92 of 2022, F.I.R. dated
05.04.2022 for the offences punishable under Sections 302,
120(B), 307 of the Indian Penal Code along with Section 27 of
the Arms Act.

3. According to prosecution case, the petitioner was
alleged to have fired bullet shots on the informant and his
followers on political rivalry.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that petitioner is not named in the F.I.R. and name of the petitioner is transpired on the basis of confessional statement of co-accused person, namely, Azad Ansari and except the confessional statement of co-accused person, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the said ***Azaj Ansari @ Azad Ali***, who has disclosed the name of the petitioner, has been granted bail vide order dated 14.07.2023 in Cr. Misc. No. 21577 of 2023 and other co-accused persons, namely, ***Sabir Miyan @ Shabir Jussain @ Shabir Ali*** vide order dated 25.01.2023 in Cr. Misc. No. 2237 of 2023, ***Chawni Singh @ Sumit Singh*** vide order dated 28.06.2023 in Cr. Misc. No. 20491 of 2023, ***Tabrej Raja @ Bholu*** vide order dated 20.12.2022 in Cr. Misc. No. 59079 of 2022, ***MD. Faisal @ Taufi @ Faisal @ Faishal @ MD. Faishal*** vide order dated 11.05.2023 in Cr. Misc. No. 14178 of 2023, ***Kauser Imam @ Azad Hashmi*** vide order dated 25.05.2023 in Cr. Misc. No. 16922 of 2023 and ***Md. Minhaj @ Sallu @ Minhaj Ahmad*** vide order dated 07.07.2023 in Cr. Misc. No. 37686 of 2023 have been granted bail by different co-ordinate Bench of this Court. The petitioner is in custody since 15.06.2023.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one but fairly submits that the petitioner is on bail in all the three cases as mentioned in Paragraph – 3 of the bail petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Siwan, in connection with B.P. No. 670 of 2023 arising out of Hussainganj P.S. Case No. 92 of 2022, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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