

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54745 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- AURAI District- Muzaffarpur

Deepak Kumar Son Of Sri Prabhu Ray R/O Village- Panapur, Tole-Areya,
P.S.- Aurai, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Thakur, Sr. Advocate
For the Opposite Party/s :	Mr. Nityanand, APP
For the Informant :	Mr. Pramod Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-03-2023 Heard Mr. Ajay Thakur, learned senior counsel for the petitioner, learned counsel Mr. Pramod Kumar Yadav appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 201, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along with other accused persons killed the son of the informant because of the earlier dispute which took place between them



where the accused persons had threatened to kill the son of the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and only on the basis of suspicion, the name of the petitioner has falsely been implicated in this case. He further submits that except the confessional statement of the petitioner and of the other accused persons, no other cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Manoj Rai has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.12.2021 passed in Cr. Misc. No. 22921 of 2021. The petitioner is in custody since 25.04.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Aurai P.S. Case No. 217 of 2020, subject to the following conditions:-

1. 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.

2. 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.

3. 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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