

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65012 of 2022

Arising Out of PS. Case No.-169 Year-2019 Thana- MUNGER MUFFASIL District- Munger

DEEPAK KUMAR @ DEEPAK YADAV Son of Late Muneshwar Yadav @
Late Muneshwar Prasad Yadav Resident of Village - Sandalpur Mangra, P.S.-
Muffasil, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hamendra Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr.Yogendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard Mr. Hamendra Prasad Singh, learned Senior
Counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Mufassil Case No. 169 of 2019 for the offence registered under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that the accused persons were fishing in the pond settled with him and upon objection, on the order of accused Anil Yadav. the allegation against the petitioner is of opening fire causing injury in the thigh of the informant, Ujjwal Kumar Yadav. Accordingly, the FIR was lodged.

Learned Senior Counsel for the petitioner submits that



this is a counter version to a case lodged by the petitioner's side vide Munger Mufassil P.S. Case No. 173 of 2019 in which it was alleged by the informant lady, Manju Devi recorded in Sadar Hospital, Munger that the accused persons (informant's side) armed variously came and threatened to get the criminal case No. 56 of 2019 back and when her husband intervened, accused, Pintu Yadav gave '*lathi*' blow causing fracture in his left hand and accused Satish Yadav @ Chhotu opened fire which unfortunately, hit Ujjwal Kumar Yadav. Accordingly, the FIR was filed by them.

The further submission of learned Senior Counsel is that the police investigated the present case and submitted charge sheet/final form dated 12.08.2020 (Annexure-3) by which it was recorded that since Deepak Yadav (petitioner herein) was witness to Case No. 56 of 2019 hence, the present role was assigned to him. During investigation, his involvement does not seem true. However, the concerned Court took cognizance against the present petitioner on 13.04.2021 (Annexure 5) forcing him to move before the Court for grant of anticipatory bail.

Learned APP for the State, on the other hand, although opposes the prayer for anticipatory bail concedes that in



the report submitted by the police, it was found that the Deepak Yadav being a witness to a case against the informant, he has been implicated and a role has been assigned to him.

Taking into account the aforesaid facts that has come and submitted by the learned Senior Counsel as also the fact that the petitioner do not have criminal antecedent, will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory 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, Munger in connection with Muffasil Case No. 169 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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 the 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.

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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