

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71553 of 2022

Arising Out of PS. Case No.-438 Year-2022 Thana- BIDUPUR District- Vaishali

DEEPAK KUMAR @ DEEPAK KUMAR RAI S/o Late Surendra Singh @
Surendra Rai R/v- Khilwat, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.08.2022, in connection with Bidupur P.S. Case No.
438/2022, F.I.R. dated 13.08.2022, for the offences punishable
under Sections 447, 341, 323, 379, 325, 307, 504, 506 and 34 of
the Indian Penal Code.

According to prosecution case, there is allegation
against the petitioner that he assaulted on the head of the
informant by means of Garasa with an intention to kill him.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case due to previous enmity and both



the parties are *patidar*. He further submits that the present case is the counter blast of Bidupur P.S. Case No. 245/2020 filed by the petitioner against the family members of the informant. He further submits that there is allegation against the petitioner that he assaulted on the head of the informant by means of Garasa but the injury report of the informant does not support the allegation against the petitioner as alleged in the F.I.R. and the injury caused by the hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.08.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the petitioner.

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 Sri Mukesh Kumar, J.M.1st Class, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 438/2022, 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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