

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37274 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- BARHARA KOTHI District- Purnia

Deepak Kumar @ Deepak Kumar Mahto son of Birender Kumar @ Birender
Mahto Village- Rambagh Driver Tola Ps- Sadar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Barhara Kothi
(Raghubansh Nagar) P.S. Case No. 326 of 2023, G.R. No. 4700
of 2023, instituted for the offences punishable under Sections
302 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, son of the
informant was assaulted by accused persons by means of iron
rod, fist and slap whereafter he succumbed to injuries.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the F.I.R. and not caught on the spot. Name of the petitioner has transpired on the basis of confessional statement of co-accused Prince Kumar. The allegations levelled against the petitioner is not specific, rather general and omnibus in nature. Specific allegation of assault is levelled against co-accused Hari Kumar Ram @ Hariya. The petitioner is in custody since 21.12.2023 and has got two criminal antecedents in which the petitioner is on bail in one case as mentioned in supplementary affidavit. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 07.03.2024 passed in Cr. Misc. No. 14110 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Barhara Kothi
(Raghubansh Nagar) P.S. Case No. 326 of 2023, G.R. No. 4700
of 2023.

(Rudra Prakash Mishra, J)

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