

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51608 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- WARISNAGAR District- Samastipur

1. Deepak Kumar @ Dipak Choudhary S/O Prabhu Sahni @ Prabhu Choudhary R/o Village- Bhagirathpur, P.S- Kalyanur, Distt.- Samastipur.
2. Kamran Haidari @ Md. Rukhsar S/O Haider Ali R/o Village- Bhagirathpur, P.S- Kalyanur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Roy, Adv.
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP
For the Informant	:	Mrs. Vaishnavi Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-12-2024 At the outset, learned counsel for the petitioners submits that during the pendency of the present application, petitioner no.2 has been arrested and, as such, he seeks permission to withdraw the bail application on his behalf.

2. Permission is accorded.

3. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

4. The petitioner no.1, apprehends his arrest in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 18 of 2024 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.



5. Allegedly, on the fateful day, while the informant was going to the Civil Court, Samastipur for evidence along with his grandson by a Tempo, in the meantime, all the FIR named accused persons surrounded him and made indiscriminate firing causing death of his grandson.

6. It is contended on behalf of the petitioner that the petitioner is not named in the FIR, however, during the course of investigation, his name has been transpired on the confessional statement of co-accused Ankit Kumar, apart from the C.D.R. location. Save and except the confessional statement and the C.D.R. location, there is no material suggesting complicity of the petitioner in the crime. Specific accusation of firing upon the deceased, which proved fatal, has been levelled against co-accused persons. Had the petitioner been present in the place of occurrence, he would have been certainly named in the FIR. Moreover, the petitioner undertakes that he will fully cooperate in the proceedings of the Court.

7. On the other hand, learned counsel for the State and learned counsel for the informant vehemently opposed the bail application and submitted that the materials collected during the course of investigation, suggest the involvement of the petitioner in the crime, coupled with one criminal antecedent as



has been disclosed in para-3 of the bail application.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based upon confessional statement, coupled with the fact that specific allegation has been levelled against the co-accused persons, let petitioner no.1, Deepak Kumar @ Dipak Choudhary be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samstipur in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 18 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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