

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81388 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Deepak Kumar S/O Shiv Nath Singh R/O Village- Mayapur, P.S. Daudngar,
District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Chandra Singh, Advocate
		Mr. Lal Bahadur Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Santosh Chandra Bhaskar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Ram Chandra Singh, learned counsel for the petitioner, Mr. Santosh Chandra Bhaskar, learned counsel appearing on behalf of the informant as well as Mr. Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No. 407 of 2022, F.I.R. dated 22.07.2022 for the offences punishable under Sections 341, 323, 307, 324, 504, 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

3. According to prosecution case, all the accused persons including the petitioner armed with deadly weapons have assaulted Akhilesh Singh and other persons which resulted into the death of Akhilesh Singh.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted final form in favour of the petitioner but the learned Court below differing with the police report has taken cognizance against the petitioner and other accused persons on 18.09.2023. He further submits that the co-accused persons, namely, Shivnath Singh and Sanjay Kumar have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 63903 of 2022.

5. 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.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, Bihar in connection with Daudnagar P.S. Case No. 407 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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