

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10335 of 2016

Arising Out of PS.Case No. -628 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Dharmendra Kumar Son of Late Tilakdhari Singh Resident of village -
Rakiyan Bigha, PS - Amjhor, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 19-05-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

Brij Bhushan Dubey @ Pintu Dubey, the uncle of the
informant Rahul Kumar Dubey was killed and the informant
named three partners of brick kiln as suspects. During
investigation one Dharmendra Kumar who was arrested in
Tilauthu P.S. Case No. 770 of 2015 under the Arms Act
confessing his guilt regarding this crime stated the name of the
informant Rahul Kumar Dubey, the petitioner and others.
Thereafter the informant Rahul Kumar Dubey also confessed his

guilt stating the name of the petitioner also and on the basis of the confessional statement of Rahul Kumar Dubey the *Rinch* which was used in the crime was recovered.

Submission is of false implication and that there is no legal and tangible material against the petitioner, the petitioner has been made victim of the village politics, he has got no concern with Rahul Kumar Dubey, the alleged confessional statement of co-accused made before the police have got no evidentiary value in the eye of law and as such the petitioner who is suffering in custody since 31.07.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner is the head and he has made plan for killing the deceased after taking money and advance of Rs. 32,000/- was taken by Tiger and rest Rs. 18,000/- was to be paid and as such the petitioner does not deserve bail.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted against the petitioner and there is no chance of tampering with the prosecution evidence and as such he is directed to 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 Additional Sessions Judge-IV, Rohtas at Sasaram in Sessions Trial

No. 17 of 2016 arising out of Sasaram (Tilothu) P.S. Case No. 628 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

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