

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43085 of 2018**

Arising Out of PS. Case No.-432 Year-2017 Thana- GAYA KOTWALI District- Gaya

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Dharmendra Kumar, Son of Shiv Yadav, Resident of Village- Hamzapur, P.S.- Sherghati, District- Gaya, at present Resident of Village-Molanachak, P.S.- Amas, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2     18-07-2018                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner had earlier moved for bail which was rejected vide order dated 15.03.2018 passed in Cr. Misc. No. 6243 of 2018. Petitioner is languishing in judicial custody since 06.10.2017 in connection with Gaya Kotwali P.S. Case No. 432 of 2017 registered for the offence punishable under Sections 302, 380, 120(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was away, his wife was killed by a Garasi, which was found in the bathroom in a bucket of water. It is alleged that his step-sister, co-accused Khusi Kumari along with her paramour (petitioner), had conspired and killed the informant's



wife who was bhabhi of co-accused Khushi Kumari.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and it is only on the basis of confessional statement of the petitioner and co-accused Khushi Kumari before the police that he has been made accused, which has no evidentiary value in the eye of law. He submits that it is only on the basis of statement of three year old daughter of the deceased that the petitioner has been named. It is further submitted that charges have been framed and co-accused Khushi Kumari has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 18080 of 2018 vide order dated 26.06.2018.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Gaya Kotwali P.S. Case No. 432 of 2017, subject to the conditions that:

(1) One of the bailors would be close



relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate in the trial and appear before the learned Court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Arjun/Pragya

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