

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63743 of 2018

Arising Out of PS. Case No.-209 Year-2013 Thana- AGAMKUAN District- Patna

Dhiraj Kumar, Son of Gandhi Yadav, Resident of Village- Kothia, P.S.
Didargang, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.K. Shahi. Sr. Adv.
Mr. Vipin Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-10-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with S.Tr. No. 311(A) of 2014 arising out of Agamkuan P.S. Case No. 209 of 2013 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code and under Section 27 of the Arms Act.

Informant who is the wife of the deceased has alleged that when her husband had gone to supervise construction work of his ware house on his own vehicle Scorpio along with driver he was shot dead. She has raised suspicion against Sanrakshita Devi, his brother-in-law Praveen Kumar and others who were having land dispute with them in respect of same land over which construction was being made. Matter is pending in Civil Court



Patna City. She has further stated that her late husband used to tell her that he has apprehension/threat on his life from them. After investigation police has submitted Final Form against them against which informant has filed protest petition.

It has been further submitted that it is said that petitioner was the Munshi of deceased and is the assailant and had it been true he would have been named in F.I.R. as he was well known to deceased and the driver Sikandar who was with the deceased when he was killed.

It has been submitted that petitioner is innocent and has falsely been implicated in this case. The name of petitioner has surfaced in this case on the basis of confessional statement made by co-accused Rajesh Yadav and his own confessional statement. Rajesh Yadav has been granted bail by co-ordinate Bench of this court in Cr. Misc. No. 10734 of 2017 vide order dated 08.03.2017.

Other co-accused Sudhir Yadav, Vishal Kumar and Rajesh Rajak have been granted bail in Cr. Misc. No. 7930 of 2016, Cr. Misc. No. 30342 of 2016 and Cr. Misc. No. 53795 of 2016 vide order dated 08.03.2017, 08.04.2016, 24.08.2016 and 14.12.2016 respectively. The alleged recovery on the basis of confession of petitioner is doubtful as the watch has been shown in inquest report. Petitioner was not arrested but he himself had surrender and deceased had criminal record. Petitioner is in



custody since 16.07.2013.

Considering the period of custody and petitioner having no criminal antecedent, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XIII, Patna in connection with S.Tr. No. 311(A) of 2014 arising out of Agamkuan P.S. Case No. 209 of 2013 with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case case diary, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/Manoj-

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