

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7588 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- VAISHALI District- Vaishali

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DHARMENDRA KUMAR aged about 22 years male, Son of Pavitar Ram
R/o village- Mansurpur Gotha, P.S- Paroo, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Vaishali (Belsar O.P.) P.S.**

Case No. 87 of 2018 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case as per the fardbeyan of Sumeet
Kumar Shahi, recorded by Rajeshwar Prasad Ray,
S.I.,Brahmpur P.S. is to the effect that on 09.04.2018 at about
08.00 P.M., at the petrol pump of the informant, Aditya Kumar
Shahi (deceased) and Binod Shahi were delivering petrol to the



customers. In the meantime, three persons on two motorcycles came, got the tank filled with fuel and left the place. Thereafter, six persons including the earlier persons came on two motorcycles and tried to snatch the cash bag from the Aditya Kumar Shahi, on protest being made, the accused persons resorted to fire on Aditya Kumar Shahi who scummbed to the injury. Though the FIR was lodged against unknown accused persons but during investigation, the petitioner confessed that he has committed the offence.

It is submitted by learned counsel for the petitioner that only on the basis of confession, the accusation has been levelled against the petitioner. There is no recovery from the possession of the petitioner. It is further submitted that the petitioner has not been put on T.I. parade till date and it is further submitted that other co-accused persons, Mithilesh Kumar and Sonu have been granted privilege of bail by coordinate Benches of this Court vide orders dated 19.11.2018 in Criminal Miscellaneous No. 62895 of 2018 and 28.01.2019 in Criminal Miscellaneous No. 4139 of 2019, 06.12.2018 in Criminal Miscellaneous No. 70113 of 2018 and 07.12.2018 in Criminal Miscellaneous No. 73158 of 2018. Petitioner is in custody since 26.06.2018.



Learned APP for the State submits that the name of the petitioner sprang up on the confession of the co-accused persons.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Vaishali at Hajipur**, in connection with **Vaishali (Belsar O.P.) P.S. Case No. 87 of 2018**, 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation
of bail of the petitioner.

(S. Kumar, J)

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