

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6881 of 2020**

Arising Out of PS. Case No.-139 Year-2015 Thana- BUNIYAD GANJ District- Gaya

=====

DHARMENDRA KUMAR @ SUKHI SINGH Son of Hazari Prasad Singh @  
Hazari Singh Resident of Village- Nanauk, P.S.- Buniyadganj, Distt- Gaya,  
presently residing at Manpur, P.S.- Gaya Muffasil, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Vipin Kumar, Advocate.

For the Opposite Party/s : Mr.Pranav Kumar, APP.

=====

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      12-06-2020                      This matter has been taken up through Video  
Conferencing.

Heard the parties.

The petitioner is languishing in custody for the  
offence punishable under Sections 341, 307, 302, 387/34 of the  
Indian Penal Code and Section 27 of the Arms Act.

Petitioner is the main assailant of the deceased. The  
informant Dinesh Yadav claims to be an eye witness of the  
occurrence. Petitioner is in custody since 21.06.2017. In the  
past, more than thrice prayer for bail was refused to the  
petitioner. The last order of refusal is dated 27.03.2019 passed in  
Cr. Misc. No. 7370 of 2019.

The fresh ground for renewal of prayer for bail is that



out of 17 cited witnesses, seven have already been examined as prosecution witnesses. Out of them, four have specifically stated that at the time of occurrence the petitioner was not there. Petitioner was known to those four witnesses from before, whereas some other witnesses stated that petitioner was the assailant.

Mr. Rajendra Narain, learned senior counsel appearing for the Informant, opposed the prayer for bail on the ground that trial is on the verge of conclusion and in the event of release the petitioner may not cooperate with the trial.

It would be a matter of appreciation of evidence at the time of final hearing by the Trial Court. However, considering the period already undergone by the petitioner and conflicting evidence of prosecution on the record, in my view, petitioner deserves bail.

Hence, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Session Trial No. 3/2019/178/2019 (S.J.) arising out of Buniyadganj P.S. Case No. 139 of 2015 with following conditions:



(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

**(Birendra Kumar, J)**

mantreshwar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

