

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23562 of 2020**

Arising Out of PS. Case No.-227 Year-2018 Thana- JOKIHAT District- Araria

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Dinesh Tatma, S/o Late Karam Lal Tatma @ Karam Lal, R/o village-  
Dhobaniya, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      12-10-2020                      Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Jokihat P.S. Case No.227 of 2018 registered for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner, co-accused Kaushalya Devi along with



two unknown persons have resorted to indiscriminate firing, leading to death of the informant's wife while she along with her daughter and son were returning home from the shop.

Petitioner's counsel submits that the informant was not an eye-witness, even as per the prosecution case. The petitioner's implication is merely based on suspicion. Further submission is that the two children, who were allegedly along with the victim, have also been examined, but they have not stated about the petitioner. The deceased had taken loan from various persons, including the petitioner and as such, he has been implicated. The allegation that the petitioner was trying to pressurize the deceased to withdraw the earlier case lodged against him is false and has been added to make the offence grave. The petitioner is in custody since 20.03.2020. Learned counsel for the petitioner undertakes that the petitioner shall be present at the trial on each and every date without fail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail recording the undertaking of the petitioner.

Accordingly, let the petitioner, above named, 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 learned C.J.M., Araria, in connection with Jokihat P.S. Case No.227 of 2018, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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