

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25602 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- DHARHARA District- Munger

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Dumka @ Ghyanchand Kumar, S/o Vijay Singh @ Bijay Mahto, aged about 20 years, Resident of Shibkund @ Shivkund Nishad Tola, P.S.- Dharhara, (Hemjapur O.P.), District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the State : Mr.Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-11-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Dharhara (Hemjapur O.P.) P.S. Case No. 250 of 2019 (G.R. Case No.2997 of 2019) registered for the offence punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 06.12.2019, the informant who is the mother of the victim stated that her son Niraj went for watering the field. Her second son also went after some time. Both were returning after setting the Dhakkan of Boring at his Bahiyar. On the way, they met Dumka and gossiping with his first Niraj Kumar. When she inquired her younger son, he told that his brother has been gossiping with Dumka at Bahiyar when her son has not returned. The informant



along with other has been searching him. They found Niraj Kumar in injured stated. He was falling on the earth and smeared with blood. They get him to the Hospital for treatment. He died at the hospital.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. Petitioner is innocent and has committed no offence whatsoever alleged in the F.I.R. He further submits that there is no eye witness in the present case and petitioner has got no any criminal antecedent. Petitioner is in jail custody since 11.12.2019. He further submits that similarly situated co-accused Vikash Kumar Yadav @ Vikash has been granted bail by this Co-ordinate Bench of this Court vide order dated 03.06.2020 passed in Cr. Misc. No.17664 of 2020.

Learned counsel for the State submits that the victim has last seen with the petitioner.

I have perused the record including the case diary. The prosecution witnesses have supported the prosecution case. However, similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of



charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class/ Chief Judicial Magistrate, Munger in connection with Dharhara (Hemjapur) P.S. Case No. 250 of 2019 G.R. Case No.2997 of 2019).

(Anjani Kumar Sharan, J)

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