

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14450 of 2021**

Arising Out of PS. Case No.-196 Year-2020 Thana- DHAKA District- East Champaran

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DHARMENDRA KUMAR Son of Jai Mangal Pandit @ Jai Mangal Parit @ Jay Mangal Pandit Resident of Village- Ramji Dubey Tola, P.S.- Dhaka, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Ms.Rashmi Jha,Advocate
For the State	:	Mr.Nitya Nand Tiwary,APP
For the Informant	:	Mr.Rajeev Ranjan,Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 04-09-2021 Heard Ms. Rashmi Jha, learned counsel for the petitioner, Mr. Rajeev Ranjan, learned counsel for the informant and Mr. Nitya Nand Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dhaka P.S. Case No. 196 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 506, 34 of the Indian Penal Code. He is in custody since 02.09.2020. The petitioner has got no criminal antecedent.

As per the prosecution story, the co-accused Rahamtullah had requested the informant to call his son Saddam Mansuri and when Saddam Mansuri came there he was told by co-accused Rahamtullah that the other co-accused are calling him. It is alleged that after sometime the villagers came and said that the informant's son was killed. When the informant went to Bikrampur Damar, he

saw the co-accused Rahamtullah and Devendra Mahto had caught hands of his son and this petitioner and co-accused Meraj Ansari were giving knife blows to him. It is alleged that when the informant tried to save his son, the accused persons also assaulted him.

Learned counsel for the petitioner submits that from the FIR itself, it appears that the informant cannot be an eye-witness to the alleged occurrence because he had gone to the said place after receiving information from the villager that his son had been killed. It is only in order to provide an eye-witness to the alleged occurrence he claimed himself as an eye-witness of the occurrence.

Learned counsel further submits that this petitioner happens to be the close agnate and for that reason only he has been falsely implicated in this case. It is one of the cases of over-implication of the accused.

It is further submitted that the injury report has come and while injury has been shown on the skull and right knee, the X-ray reports have been examined and the doctor has opined that the X-ray shows no bony injury (NBI), therefore, according to the doctor, the injury is simple in nature.

Learned counsel for the informant as well as learned APP for the State have though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the submissions recorded hereinabove and that the petitioner has remained in jail for over one year, investigation against him is

complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedents, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East Champaran at Motihari in connection with Dhaka P.S. Case No. 196 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.