

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 17941 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- ISHIPUR District- Bhagalpur

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DHARMENDRA @ DHARMVEER CHOUDHARY S/o Late Jamir  
Choudhary Resident of Village- Jali Tola, Mohanpur, Police Station-  
Pirpainty, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Gopal Prasad Roy,Advocate

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

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

3      27-09-2021                      Heard learned counsel for the petitioner and Mr.  
Sanjay Kumar Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular  
bail in connection with Ishipur (Barahat) P.S. Case No. 63 of  
2020 registered for the offences punishable under Sections 302,  
201, 34 of the Indian Penal Code. He is in custody since  
27.08.2020. He has otherwise no criminal antecedent.

As per the prosecution story, the dead body of the  
victim lady was found near the orchard of one Pradip Singh at  
Chandan Nagar and two years old girl was weeping sitting over  
there. One Laxman Mandal who is the father of the deceased  
had identified the dead body and later on told the police that the  
victim was living with this petitioner after her marriage with one  
Raj Kumar son of Gurudev Mandal.



Learned counsel for the petitioner submits that the father of the victim has falsely implicated this petitioner because he happens to be the sister's husband of said Raj kumar with whom the daughter of the informant was married but two years after her marriage, she was not keeping good relationship with her husband.

Learned counsel further submits that there is no eye-witness to the alleged occurrence and the petitioner who has otherwise no criminal antecedent has remained in custody in connection with this case for over one year.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case and the kind of materials placed before this Court wherein there is no eye witness to the alleged occurrence, the petitioner has remained in custody for over one year, investigation against him is complete, it is not the submission of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, 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 Additional Chief



Judicial Magistrate-IX, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No. 63 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'.

