

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33381 of 2021

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

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Dilkhush Kumar Son of Ramkripal Yadav @ Khokho Yadav Resident of
Village- Chhonapatti, 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.Pramod Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-09-2021 Heard learned counsel for the parties through video conferencing.

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

Learned counsel for the petitioner submits that from
perusal of the FIR it appears that informant's son (victim) was
gossiping with co-accused Dumka, but he did not return till late
night. Thereafter informant came outside in search of her son
and found him lying in pool of blood. Learned counsel for the
petitioner further submits that informant's son was killed by co-
accused Dumka, who is lone FIR named accused person in the
case, and petitioner's name has come only on the basis of
confessional statement of co-accused Vikash Kumar Yadav, who



has already been granted bail by a co-ordinate Bench of this Court, vide order dated 03.06.2020, passed in Cr.Misc. No.17664 of 2020 (Annexure - 2 to the petition). Other similarly situated co-accused persons namely Dilip Ray and Dumka @ Ghyanchand Kumar have also been granted bail by this Court, vide orders annexed as Annexures 3 and 4 respectively to the petition. Petitioner has got no criminal antecedent, as stated in paragraph 3 of the bail petition, and he is in custody since 28.12.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Munger in connection with Dharhara (Hemjapur O.P.) P.S. Case No. 250 of 2019, corresponding to G.R. No. 2997 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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