

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34076 of 2021

Arising Out of PS. Case No.-248 Year-2019 Thana- DIGHWARA District- Saran

=====

DHARMENDRA RAY S/O LATE MALETAR RAY R/o village- Salhalli,
P.S.- Akilpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
	:	Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Dighwara P.S. Case No. 248 of 2019 registered for the offence under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others are said to have killed the son of the informant on account of non fulfillment of the ransom.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. In fact, altogether 26 persons have been named in the F.I.R for the alleged occurrence but none of them except one Indal Singh, who is said to have fired which hit the son of the informant and he died, have attributed the specific allegation of any overt act. More particularly, this petitioner has been named with general and omnibus allegation. Moreover, the co-accused, Raj Bansi Rai, Shailesh Rai and Krishna Kumar along with Mukesh Kumar, having more or less similar allegations, have been granted bail by co-ordinate Benches of this Court vide order dated 27.05.2020, 19.03.2020 and 16.10.2020 passed in Cr. Misc. No.82020 of 2019, Cr. Misc. No. 434 of 2020 and Cr. Misc. No. 26810 of 2020, respectively. The petitioner is rotting in judicial custody since 19.02.2021

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that not only the petitioner is named in the F.I.R. but also he is having three more cases other than the present one, which is manifested from paragraph- 3 of the petition.

Considering the facts and circumstances of the case, 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, Saran, Chapra in connection with Dighwara P.S. Case No. 248 of 2019 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

