

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38926 of 2020**

Arising Out of PS. Case No.-88 Year-2018 Thana- DARPA District- East Champaran

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DHARMENDRA KUMAR ALIAS@ DHARMAN KUMAR SON OF
VILATU MAHTO ALIAS BILTU MAHTO RESIDENT OF VILLAGE-
BELA, BELWA (BHELWA), P.S.-CHHAURADANO, DISTRICT- EAST
CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Abhay Kumar Roy, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Darpa P.S. Case No. 88 of 2018

registered for the offences punishable under Sections 342, 307,

302,120(B), 506 and 34 of the Indian Penal and Section 27 of

the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story, on 10.9.2018 all the FIR named accused



persons including the petitioner riding on three motorcycles surrounded the informant and on the order of co-accused Ramchandra Prasad @ Bhola Mukhiya and Dharmendra Kumar (petitioner), co-accused Sanjay Kumar and Jitendra Yadav fired with pistol to kill the informant and his associate Kishori Mahto as a result of which Kishori Mahto died.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that similarly situated co-accused Ramchandra Prasad @ Bhola Mukhiya has been granted anticipatory bail by the coordinate Bench of this Court in Cr. Misc No. 20305 of 2019. The petitioner is in custody since 31.5.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the allegation against the petitioner is that he along with co-accused Ramchandra Prasad @ Bhola Mukhiya had ordered to kill and thereupon the co-accused Sanjay Kumar and Jitendra Kumar fired from their country made pistol upon the informant and Kishori Mahto, the allegation being that of an order giver and the similarly situated co accused Ramchandra Prasad @



Bhola Mukhiya has been granted anticipatory bail by the coordinate Bench of this Court vide order dated 23.05.2019 in Cr. Misc. No. 20305 of 2019, the petitioner is in jail since 31.05.2020, investigation against him is complete but the trial is not likely to take place in near future and the only case which is there against him he is said to be on bail, this Court directs release of the petitioner on bail 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 S.D.J.M., Raxaul in connection with Darpa P.S. Case No. 88 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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'.

