

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2216 of 2021

Arising Out of PS. Case No.-74 Year-2013 Thana- BIDUPUR District- Vaishali

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Dharma @ Dharamdeo Singh @ Dharamnath Singh, Son of Rana Singh,
Resident Of Village- Ward No.05, Mathura, P.S.- Bidupur, District- Vaishali at
Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Om Prakash Om, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-04-2021 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with
Bidupur P.S. Case No.74 of 2013 registered for the offence
punishable under Sections 399, 402 of the Indian Penal Code
and Sections 25(1-b)a, 26/35 of the Arms Act.

On some information regarding a likely
commission of an offence, the police personnel proceeded to
verify the same, when the miscreants have fled away. Three,
namely, Raj Kumar @ Pappu Pal, Raja Yadav @ Gandhi and
Ratnesh Rai @ Mintu Rai, have been arrested, from whom
arms, motorcycle and mobile etc. have been recovered. They
have named the petitioner as being one who fled away.



Petitioner's name has surfaced in course of inquiry of co-accused person, namely, Raj Kumar @ Pappu Pal.

It is submitted that based on confessional statement of co-accused, having no evidentiary value, petitioner has been remanded in the present case on 10.05.2019 while he was in custody in connection with another case. His custody in the present case is now about two years, though there is no recovery of any incriminating material from his conscious possession. The petitioner's prayer for bail has been rejected by the court below merely because of his criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned C.J.M., Vaishali at Hajipur, in connection with Bidupur P.S. Case No.74 of 2013, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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