

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5847 of 2021

Arising Out of PS. Case No.-115 Year-2017 Thana- CHHABILAPUR District- Nalanda

=====

DHARMENDRA KUMAR @ BAUDHU SON OF RAMOTAR YADAV
RESIDENT OF VILLAGE- KESHRI BIGHA, P.S- CHHABILAPUR,
DISTT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 15-07-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his fardbeyan has alleged that on 21.12.2017 at about 6 pm when his father namely Kamlesh Kumar was returning to his house on motorcycle from Rajigr and as he reached near Katain Chhotaki bridge, the accused persons namely Rajeev Kumar, Dharmendra Kumar @ Baudhu (petitioner), Pappu Yadav and Ramotar Yadav, lurking there from before, stopped the father of informant and shot him dead. The informant got information from the villagers that the accused persons have shot his father and he is lying, upon which

he went there and saw that his father was lying in pool of blood and he sustained injuries on chest and temporal region. The informant took his father to Sub Divisional Hospital, Rajgir where the doctor declared him dead.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case on mere suspicion only on account of land dispute. All family members have been made accused. Informant is not the eye witness of the alleged occurrence. It is further submitted that from perusal of paragraph nos. 6, 30 and 31 of the case diary, witnesses have stated that there was serious dispute within the family of deceased and they were not present at the place of occurrence. Petitioner is in custody since 06.10.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Chhabilapur PS Case No. 115 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

ranjan/-

U			
---	--	--	--