

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7617 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- THARTHARI District- Nalanda

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DHARMENDRA KUMAR SON OF RAJ KUMAR @ RAJ KUMAR
YADAV RESIDENT OF VILLAGE- MARANCHI, P.S.- CHIKSOURA,
DIST.- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
For the Opposite Party/s : Mr. Puspha Sinha 2

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Tharthari P.S.
Case No. 12 of 2020 registered for the offence punishable under
Sections 394 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case which is based upon the fardbeyan of
one Akhilesh Kumar, Branch Manager, Bandhan Bank, Chandi
Branch is that petitioner with the help of other co-accused persons
looted the collected money from the informant and also fired upon
him and bullet was hit at his leg as result of which he became
injured. After the said occurrence they fled away on a motorcycle.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has not been put on T.I. parade till date. He further submits that similarly situated co-accused persons have been granted bail by the learned lower Court itself. The petitioner has got two criminal antecedent in which he is on bail as mentioned in para 3 of the present bail application and he has been languishing in custody since 20.03.2020.

There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused Manish Kumar which has no evidentiary value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Tharthari P.S. Case No. 12 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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