

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8454 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- HARNAUT District- Nalanda

=====

DHARAMVIR KUMAR Son of Shri Mannu Singh Resident of Village -
Birampur, P.S. - Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur and Vaishnavi Singh, Advocates
For the Opposite Party/s :		Kumar Ranjit Ranjan, APP
For Informant	:	Mr. Ranjit Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-07-2021 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Sessions Trial no.
218/219 of 2020 (arising out of Harnaut P.S. Case no. 10 of
2020) registered under sections 302, 120B and 34 of the Indian
Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the
informant that two accused persons came on a motorcycle and
shot his son. He was taken for treatment to the hospital from
where he was referred but on the way to Patna, he died. It is
stated that the four named accused persons had got his son



killed after getting unknown shooters.

It is submitted by learned counsel that the petitioner is not named in the FIR nor any suspicion has been raised against him. In course of investigation, the informant develops his story and states that the FIR named accused persons were also firing. The name of the petitioner transpires in the confessional statement of co-accused Dheeraj Rai made before police. The FIR named accused, namely, Kunal Kumar Singh and Abhishek Kumar Singh have been enlarged on bail vide order dated 9.11.2020 (Annexure-2) passed in Cr. Misc no. 29445/2020. The petitioner is in custody since 6.5.2020 and there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid down by this Court.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that so far as this petitioner is concerned, it is not that his name transpired only in the confessional statement of co-accused made before police. In course of investigation, the said contents of the statement was confirmed from the fact that CDR report of two of the mobile numbers in the name of the



petitioner was found to be in the area in vicinity where the occurrence had taken place. Besides other witnesses in their statement under section 161 Cr.P.C. have also stated about seeing the petitioner at the place of occurrence. It is submitted that the trial has commenced with several prosecution witnesses having been examined. The application for bail may be rejected.

A report with respect to the stage of the trial was called for from the learned Court below. As per the report received contained in letter dated 11.6.2021, 4 out of 11 witnesses cited in the chargesheet have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, grant of bail to the FIR named co-accused and the petitioner having remained in custody since 6.5.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 218/219 of 2020 (arising out of Harnaut P.S. Case no. 10 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, Nalanda at Biharsharif.



In view of the trial in the case having proceeded, it is directed that the petitioner shall remain personally present in Court on each date of the trial. In case of the petitioner’s non-cooperation in the trial, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Spd/-

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

