

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16972 of 2022

Arising Out of PS. Case No.-129 Year-2013 Thana- PANDARAK District- Patna

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DHARO RAI @ DHARO YADAV @ DHARMENDRA KUMAR S/O
KAMALESHWARI RAI @ KAMLESHWARI PRASAD R/o village-
Maharajganj (Bariyarpur), P.S.- N.T.P.C., District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Pandarak P.S. Case No. 129 of 2013 registered for the alleged offences under Sections 364 and 34 of the Indian Penal Code.

As per prosecution case, the informant named 30 persons including this petitioner for kidnapping and the murder of his nephew.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The informant has named 30 persons as accused along with his parentage and address that on the basis of suspicion that they kidnapped and killed his nephew. Even the FIR has been sent after much delay to the court of learned Magistrate. For an occurrence dated 15.09.2013 and the FIR has been sent on 18.09.2013. The FIR has been registered after due deliberation and much after thought.

Learned counsel further submits that the co-accused Ramjanam Yadav has been granted bail by a Coordinate Bench vide order dated 04.11.2015 passed in Cr.Misc. No. 51447/2015. Further from the same order, it appears that other co-accused persons Sudhir Yadav and Bhimal Yadav have also been granted privilege bail by the Coordinate Benches. Charge sheet has been submitted in this case and the petitioner is in custody since 05.01.2022.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR and the nephew of the informant is still traceless. The petitioner is having criminal antecedent.

Having regard to the submission made on behalf of the parties and considering the general nature of allegation



without any cogent material on record to show the complicity of this petitioner and further considering the fact that other similarly situated co-accused persons have been granted bail by different Coordinate Benches and also considering the submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Barh, Patna in connection with Pandarak P.S. Case No. 129 of 2013, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of



the terms of the bail, the bail bond of
the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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