

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18834 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- DHANSOI District- Buxar

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DHARMENDRA KUMAR @ NEPALI KHARWAR Son of Teju Kharwar
Resident of village - Sujatpur, P.S.- Dhansoi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 22389 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- DHANSOI District- Buxar

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AMRESH RAI @ AMRESH KUMAR SINGH SON OF RAMYASH SINGH
R/O VILLAGE- SUJATPUR, P.S.- DHANSOI, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 18834 of 2022)

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 22389 of 2022)

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022

IN CR. MISC. NO. 18834 OF 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
as well as learned counsel for the informant, through Virtual
Court Proceedings.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Dhansoi P.S. Case No. 28 of 2021 registered for the offence under Sections 147, 341, 323, 307, 326 and 506 of the Indian Penal Code and subsequently 377 and 379 of IPC and Section 27 of the Arms Act was added.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.01.2022.

The allegation against the petitioner is to assault the informant with fight and fist along with other co-accused persons with intention to cause his death and further allegation of causing grievous injury by inserting "*Paina*" in anus of the informant and also of carnal intercourse against order of nature.

Learned counsel appearing on behalf of the petitioner submitted that petitioner neither named in the FIR nor any incriminating surfaced against this petitioner, through statement of the informant as recorded under Section 164 of the Cr.P.C. It is also submitted that maximum allegation against this petitioner appears during course of investigation is to be part of the crowd/mob only, having general and omnibus allegation. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that



investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as maximum allegation against this petitioner is to be part of mob coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Dhansoi P.S. Case No. 28 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Buxar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 22389 OF 2022

Let this case be passed over for the day.

(Chandra Shekhar Jha, J)

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