

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19941 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

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Dharamvir Vishwakarma @ Dharamvir Kumar Vishwakarma Son of Ram
Pravesh Vishwakarma R/O Village- Hanuman Nagar, P.S.- Patrakar Nagar,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 25-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ram Krishna Nagar P.S. Case No. 186 of 2021 lodged under
Sections 302/34 of the Indian Penal Code.

As per the prosecution case, the allegation against the
petitioner is that the informant was present in her house
alongwith her husband and mother-in-law, then at about 8.20
p.m. five unknown persons entered in the house and told to
informant's husband that one Rakesh is calling him. It has been
alleged that when her husband went outside the house and come
on the road then three persons have fired on the head of the
informant's husband. Upon making noise they all fled away.

Apprehension has been shown in the F.I.R. that the husband of the informant used to do the business of land and due to enmity in distribution of money this occurrence has been caused.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that F.I.R. has been lodged against five unknown persons but name of petitioner was figured in this case by virtue of CCTV footage in which the petitioner was fleeing away from the place of occurrence. Learned counsel for the petitioner further submits that petitioner is in custody since 05.08.2021 and chargesheet has already been filed in this case. He further submits that there is only one case against the petitioner which is related to the present case itself in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that name of the petitioner has figured during the investigation. He further submits that the trial has commenced and statement of prosecution witnesses are going on.

Considering the facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount

each to the satisfaction of learned Additional District Judge-XXV, Patna in connection with Ram Krishna Nagar P.S. Case No. 186 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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