

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36203 of 2021

Arising Out of PS. Case No.-178 Year-2018 Thana- RUPASPUR District- Patna

=====

Dharmendra Kumar, Son of Dilip Kumar @ Dilip Prasad Resident of
Madhopur, Police Station - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2022 Heard learned senior counsel for the petitioner as
well as learned APP for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Earlier the prayer for bail for the petitioner was
rejected thrice by the then co-ordinate Bench of this Hon'ble
Court.

The petitioner seeks bail in connection with S.Tr.
No.430/2019, Rupaspur P.S. Case No.178 of 2018 registered for
the offence punishable under Sections 452, 324, 307, 302 of the
IPC.

Prosecution case in short is that on 05.08.2018 at 5.30
hours Dr. Dharmabir Singh Memorial Nursing home, Bajrang
Colony, Jagdeopath, P.S. Hawai Adda, District-Patna stating



therein that, be being 4th Grade employee at B.V. College, Patna without fear, pressure alleging therein that on 03.05.2018 at 17.30 PM, the informant return his home at that time his wife Puja Kumari, son Arab, daughter Nandini and Sister Jyoti kauri was at the house and his younger brother Ranjit Kuar and mother sons Devi was gone but to attend the marriage ceremony at Maner. The informant further alleged that one the same night at 22.30 PM the informant slept in the room of his younger brother, his daughter Nandini and sister Jyoti Kumari step in the room of informant and his wife Puja Kumari went at other room for slept out to the son Arab. The informant further alleged that on 04.05.2018 at about 1.00 AM his wife return back on the bed of informant and slept down, he further alleged that when he slept in deep he feels that some one is cutting his knock by pressurizing the eye then he raised alarm then his sister Jyoti reached by run away. In the meantime the person who tried to his knock, fled away through the jump from roof of house, then he raised hulla on the roof the informant alleged further that the miscreant received injury during the Pakar-Dhakar and when informant reached at the miscreants he seen wonderful that the miscreant was the Bhagina of informant who always comes at his house. The informant alleged further that at about 2.30 AM



he came down from roof into the room than he saw that his wife is senseless and when she recovered her since then on sack "she said that she feel some paid in head. seeing such situation he himself became senseless and when he informant) recovered scene he found himself at the clinic of Dr. Dharambeer Singh Memorial Home, Jagdeopath and got acknowledge that his wife Puja Kumari died. Thereafter, the informant suspected that his Mausera Bhagina Dharmendra Kumar has killed his wife and also tried to kill him and thus prayed for legal petition.

Learned counsel appearing on behalf of the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the wife of the informant was killed by informant himself and implicated the petitioner in the present case. He further submits that vide order dated 19.02.2020 passed in Cr. Misc. No.79294 of 2019 while rejecting the prayer for bail of the petitioner, a liberty was given to the petitioner, that if the trial is not concluded within a period of nine months then the petitioner may renew his prayer for bail. Vide order dated 06.12.2021 a report was called with regard to stage of the trial and the report reveals that till date out of five prosecution witness only two prosecution witnesses have been examined. Learned senior



counsel for the petitioner further submits that from perusal of the report it appears that in the near near future the trial is not concluded and the petitioner is in custody since 26.05.2018, more than 3 years 9 months.

Learned APP for the State on the basis of the material available on the record and the case diary has fairly submits that there is no sufficient material against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist, Danapur, Patna/successor court in connection with S.Tr. No.430/2019, Rupaspur P.S. Case No.178 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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

