

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27006 of 2022

Arising Out of PS. Case No.-254 Year-2017 Thana- BAKHTIYARPUR District- Patna

Dhamiya @ Dharambir Kumar, Son of Ranjeet Mahto, Resident of Village -
Sangatper, P.s.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rashmi Sharma, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-08-2022 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 Bakhtiyarpur P.S. Case No. 254 of 2017 registered for the alleged offences under Sections 302, 120B and 34 of the Indian Penal and Section 27 of the Arms Act.

As per prosecution case, the father of the informant was shot dead due to political rivalry by some unknown miscreants. The informant named co-accused Chintu Kumar who got his father murdered by contract killers. The name of the petitioner came up as one of the accused persons during investigation.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case and nothing incriminating has been recovered from his possession or at his instance. The name of the petitioner came up in the confessional statement of co-accused Govinda and except for this confessional statement, there is nothing against this petitioner. The petitioner has no concern with the FIR named co-accused Chintu Kumar and he did not participate in the alleged occurrence. The co-accused, who named this petitioner in this case, has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.04.2022 passed in Cr. Misc. No. 71806 of 2021. Another similarly placed co-accused Gautam Kumar has also been granted bail vide order dated 29.03.2022 passed in Cr. Misc. No. 50307 of 2021. Charge-sheet report has been submitted in this case and the petitioner is in custody since 13.01.2022.

Learned APP opposes the prayer for bail, however, he concedes that the name of the petitioner came up only in the confessional statement of the co-accused and there is no recovery at the instance of this petitioner. The petitioner is also having criminal antecedents.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



lack of any material against this petitioner connecting him with the alleged occurrence and further considering the submission of charge-sheet as well as the period of his custody, 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 Additional Chief Judicial Magistrate-III, Barh (Patna), in connection with Bakhtiyarpur P.S. Case No. 254 of 2017, 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 deponent, 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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