

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41087 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- DULHIN BAZAR District- Patna

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DIBYANSHU KUMAR @ ANSHU @ DIBYANSHU KUMAR SHARMA
S/O KRISHNADHAR SHARMA R/O -KAAB, P.S-RANITALAB,
DISTRICT PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Ms. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.03.2021, seeks
regular bail in connection with Dulhin Bazar P.S. Case No. 211
of 2020 registered for offences punishable under Section
302/34/120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution case, in brief, is that one Ramashish
Verma, who happened to be the informant of this case, lodged
the instant case, alleging therein that his brother Sanjay Verma



(Since deceased) went for morning walk along with Vijendra Kumar, but soon after that he heard that he was shot dead by unknown bike borne four accused persons. After getting the information, the informant went at the place of occurrence with other co-villagers and found that his brother was lying injured, then they took him to Paras Hospital, but during treatment his brother succumbed to the fire-arm injury.

Learned counsel on behalf of the petitioner submits that the petitioner is innocent and not named in the F.I.R. There is not any eye witness of this case except Vijendra Kumar, who has not taken the name of the petitioner during the investigation. He further submits that the name of the petitioner was taken by one co-accused Amit Kumar. The petitioner is in custody since 04.03.2021.

Learned A.P.P., however, opposes the prayer for bail. He submits that it appears from impugned order that in course of investigation, the name of the petitioner surfaced in the re-statement of the informant and in the statement of other witnesses, who specifically took the name of the petitioner regarding his involvement in the alleged occurrence, which is mentioned in paragraph nos. 9, 10, 19, 26, 27 and 32 of the case diary.



Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case, the Court below is directed to check the criminal record of the petitioner and on being satisfied that there is no other case pending against the petitioner as what has been stated in paragraph No. 3 of the present bail application, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- Ist Class, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 211 of 2020 with a condition that he will tender his attendance before the S.H.O. of local Police Station everyday between 9 a.m. to 10 a.m. and the S.H.O. will submit monthly report of attendance to the S.P., Patna and on any single default of attendance, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



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

(Purnendu Singh, J)

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