

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45100 of 2021

Arising Out of PS. Case No.-176 Year-2015 Thana- SAHPUR District- Patna

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Dhiraj Kumar Son Of Dinanath Rai Resident Of Village- Hanumangaj, P.S.-
Shahpur, District- Patna. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-03-2022 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by Stamp Reporter within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Shahpur P.S. Case No. 176 of 2015 registered for the
offences punishable under Section 370 of the Indian Penal Code and
later on Sections 302, 201 and 34 of the Indian Penal Code were
added. He is in custody since 19.03.2021. The petitioner has got one
criminal antecedent as stated in paragraph '4' of the supplementary
affidavit in which he is said to be on bail.

Learned counsel for the petitioner submits that in this case
FIR is against unknown. The informant, who is the father of the
deceased, has stated that on 19.10.2015, his son Rakesh Kumar aged
about 19 years had left the house without telling anything, later on
the informant came to know that he was accompanied by two boys



but their names and addresses are not known to the informant. The son of the informant had left his mobile at the home itself and despite hectic search, he could not be found. It is submitted that on the basis of this report, a missing case was registered but later on the dead body of the victim was recovered in course of investigation, hence Sections 302, 201 and 34 of the Indian Penal Code were added.

Learned counsel submits that there is absolutely no material against the petitioner and save and except a mere suspicion, there is nothing to suggest the involvement of the petitioner in the present case. It is submitted that considering the vague kind of allegations, some of the accused were granted privilege of anticipatory bail in Cr. Misc. No. 3831 of 2017. It has also come in course of investigation that in fact the family of the deceased had some land dispute with co-accused Harinandan Rai and Akhilesh Kumar. The co-accused Harinandan Rai has been granted privilege of anticipatory bail whereas co-accused Akhilesh Kumar has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 34355 of 2017. It is his submission that at least four persons have already been granted anticipatory bail and two have been granted regular bail. The case of the petitioner stands on similar footing.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute the submissions advanced on behalf of the petitioner.



Having regard to the submissions and the materials noted hereinabove showing that the dispute between the deceased family and the accused side are with Akhilesh Kumar and Harinandan Rai, so far as this petitioner is concerned, he is neither named in the FIR nor any cogent material has been brought to the notice of this Court to show his involvement and there is no eye-witness to the alleged occurrence, the implication being on mere suspicion, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur at Patna in connection with Shahpur P.S. Case No. 176 of 2015, subject to the condition as laid down under Section 437(3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

