

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53192 of 2021

Arising Out of PS. Case No.-373 Year-2016 Thana- AMARPUR District- Banka

Dharmendra Dom, Son Of Late Gulashawar Dom, Resident Of Village-
Panchrukhi, Police Station- Shahkund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 12-07-2022 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 Amarpur P.S. Case No. 373 of 2016 registered for the alleged offences under Sections 302, 379, 120 (B) and 34 of the Indian Penal Code.

The prosecution case is that the accused persons committed the murder of the husband of the informant with sharp cutting weapon. However, later on, this petitioner and another person Pappu Dom were arraigned as accused in this case.



The learned counsel for the petitioner submits that the informant firstly named four different persons as accused, who were involved in the murder of her husband. Later on, she retracted her statement regarding those four persons and made the petitioner and another person accused in this case. Even the name of this petitioner in this case has been given on the basis of statement of one Kundan, who has not been examined. The learned counsel further submits that the allegedly recovered items from the spot were identified by the informant and other witnesses and not by the petitioner. Further, nothing incriminating has been recovered at the instance of this petitioner. Petitioner is in custody since 30.12.2020.

Learned APP opposes the prayer for bail submitting that the petitioner and co-accused murdered the husband of the informant and their names transpired during investigation and in re-statement of the informant.

Perused the records.

Having regard to the submissions made hereinabove and further considering the fact that there is nothing on record to substantiate the allegation of the informant regarding the act committed by the petitioner and also that false implication cannot be ruled out and further considering the period of



custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 373 of 2016, subject to 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 a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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