

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54254 of 2021

Arising Out of PS. Case No.-63 Year-2017 Thana- BAKHTIYARPUR District- Patna

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PAREM KUMAR @ DHANANJAY KUMAR @ DHANAJAY YADAV @
P.K.YADAV @ PREM KUMAR Son of Ramdiyal Rai Resident of Village -
Hakikatpur, P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Nityanand, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 25-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bakhtiyarpur P. S. Case No. 63 of 2017
registered for the offences punishable under Sections 302 and
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution case, it is alleged that when



the informant with her husband had gone to Patna, she received an information that some unknown persons has killed her son Bitu Kumar. On the receipt of the said information, they reached to their village and found her son lying dead near middle school.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against three to four unknown persons, however, during the course of investigation, the name of the petitioner surfaced on the confessional statement of co-accused Dharmendra Kumar @ Dhamia, who has already been granted bail by the learned court below itself. It is next submitted that other co-accused persons having identical allegation have also been granted bail by different Benches of this Hon'ble Court. The copies of which have been brought on record by way of annexure 2 series. It is further submitted that only because of past criminal antecedent, the name of the petitioner has been implicated in this case without any material. It is last submitted that there is no eye-witness to the alleged occurrence and the petitioner is in custody since 14.01.2020.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and his name has been confessed



by co-accused person.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of co-accused persons, who has already been granted bail by learned court below itself, apart from the fact that other co-accused person having identical allegation has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and moreover, the antecedent of a person cannot be a sole ground to keep him behind the bar for indefinite period, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, District Patna in connection with Bakhtiyarpur P. S. Case No. 63 of 2017, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 step for cancelling 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.

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(Harish Kumar, J)

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