

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55877 of 2021

Arising Out of PS. Case No.-745 Year-2020 Thana- JAHANABAD District- Jehanabad

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DHANANJAY NUT Son of Bacchu Nut Resident of Village- Belsar, P.S.-
Noor Saral, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The cousin elder brother of the informant is said to
have been shot dead by the unknown persons.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, the petitioner has not been
named in the F.I.R. but on the basis of confessional statement
of the co-accused, namely, Santosh Nut, name of this
petitioner has surfaced in this case. Neither the petitioner



has been put on T.I.P. till date by the prosecution nor anything incriminating has been recovered from his exclusive possession. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and on the basis of material available in the case dairy, she submits that during the investigation, it has come that the petitioner has actively participated in the alleged occurrence. She further refers to paragraphs No. 80, 81, 83 and 143 of the case diary in which according to her, there is sufficient material against the petitioner. She also submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jehanabad (Karauna O.P.) P.S. Case No. 745 of 2020 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 step 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.

(Rajesh Kumar Verma, J)

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