

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57848 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- HARNAUT District- Nalanda

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Dhuri Bind @ Binod Kewat @ Dhuri Kewat, S/O- Late Jawahar Kewat,
Resident of Village- Malbigha, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner is permitted to

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

a period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail, who is in custody in

connection with Harnaut (Telmar) P.S. Case No. 270 of 2020

(S.Tr. No. 267 of 2021) for the offences punishable under

Sections 302, 307, 120B/34 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case is that on the alleged date of

occurrence when the brother of the informant Shambhu Singh

and her villager Sani Kumar were returning from market two

persons surrounded and assaulted Sani Kumar with Lathi and



fired due to which brother of the informant Sambhu Kumar died.

It is submitted on behalf of the learned counsel for the petitioner that the F.I.R. was registered against two unknown persons. However, during the course of investigation the name of the petitioner transpired on the confessional statement of co-accused Hari Bind. It is next submitted that co-accused Hari Bind along with one Bahadur Bind have already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 9968 of 2021 vide order dated 29.07.2021 and one another co-accused, Firoj Nut @ Firoj Nat, whose name has also come on the confessional statement of said co-accused, has also been granted bail by a Bench of this Court in Cr. Misc. No. 12617 of 2021 vide order dated 02.07.2021. Further it is submitted that the petitioner has got no criminal antecedent and he is in custody since 17.01.2021 and the investigation has already been concluded.

On the other hand, learned APP for the State submitted that during the course of investigation the name of the petitioner transpired.

Having considered the rival submissions made on behalf of the parties and taking into consideration the fact that



the petitioner is not named in the F.I.R. and his name transpired on the confessional statement of co-accused, who has already been granted bail by a co-ordinate Bench of this Court and the petitioner is in custody since 17.01.2021, let the petitioner, named above, 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 Additional Sessions Judge-III, Nalanda at Bihar Sharif in Harnaut (Telmar) P.S. Case No. 270 of 2020 (S.Tr. No. 267 of 2021) with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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