

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55457 of 2022

Arising Out of PS. Case No.-260 Year-2019 Thana- BAKHTIYARPUR District- Patna

=====

Dhirendra Kumar Singh @ Dharmendra Kumar @ Dhirendra Kumar, aged about 26 years, Gender-Male, Son of Dinesh Singh Resident of Village - Sabnauhadih, P.S.- Harnaut, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Vijay Anand, Adv.

For the State : Mr. Md. Ataur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Bakhtiyarpur PS Case No. 260 of 2019, registered for the offence punishable under Sections 147,148,149,307 of the Indian Penal Code. Subsequently Section 302 of the I.P.C. was added.

Two named accused persons, namely, Ranjeet Kumar and Raj Narayan @ Tempo Yadav have arrived along with 6-7 unknown persons in the tea stall and after identifying the informant they have resorted to indiscriminate firing, wherein, one customer, namely, Rajeev Kumar has also sustained bullet



injuries and has subsequently succumbed to the said injury.

Learned counsel for the petitioner submits that the named accused persons were acquitted on 10-02-2022 in the judgment passed by ADJ 5th in Sessions Trial No. 611 of 2021. Based on the confessional statement of one of the co-accused, namely, Bibak Kumar @ Bibeka who was not named in the FIR, the petitioner has been implicated in this case more than two years after the alleged occurrence and remanded in this case on 04-02-2022. Other than the confessional statement of co-accused, there is nothing to connect the petitioner with the instant allegation. He has three antecedents i.e., Harnaut PS Case No. 143 of 2021, Chandi PS Case No. 421 of 2020 and Harnaut PS Case No. 464 of 2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that the petitioner's implicated is based on confessional statement more than two years after the alleged occurrence, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned Additional District and Sessions Judge 1st Barh, in connection with Bakhtiyarpur PS Case No. 260 of 2019, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

