

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70826 of 2021

Arising Out of PS. Case No.-241 Year-2021 Thana- BIKRAMGANJ District- Rohtas

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DHIRAJ SINGH Son of Butan Singh Resident of Village - Jonhi Tola,
Bishmbharpur, P.S.- Bikramganj, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Bikramganj P.S. Case No. 241 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2021.

The allegation against the petitioner is to commit

murder of the husband of the informant along with other co-
accused persons for pending land dispute between the parties.



Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye-witness of the occurrence. It is submitted that from bare perusal of the FIR, it appears that informant has reason to believe about the occurrence, as gathered from nature of injury seems to be caused by firearms. It is submitted that the reason of suspicion is pending land dispute between the parties. It is further pointed out that the post-mortem report of the deceased, as regard to cause of death, clearly speaks that death was due to electrocution, leading to cardio-pulmonary arrest, negating entire allegation. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence, and also that cause of death is not the firearm injury as alleged, as per post-mortem report.

Considering the facts and circumstances as mentioned above, as the cause of death is electrocution, as per post-mortem report coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Bikramganj P.S. Case No. 241 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Bikramganj/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Bhola Yadav, who is the maternal nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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