

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.627 of 2022

Arising Out of PS. Case No.-1139 Year-2019 Thana- BIHTA District- Patna

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Dharmbir Kumar @ Babu Saheb S/O Samsher Rai R/O Village- Usri Khurd,
P.S.- Sahpur Muffasil, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 04-04-2022 The applicant is given out of turn hearing on the ground of ailment of his wife which is not disputed by the other side.

The applicant is accused in Crime No. 1139 of 2019 registered with Bihta Police Station for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned counsel appearing for the applicant argued that the applicant is rope-in merely on the basis of suspicion and there is no tangible evidence against the



applicant.

The learned Additional Public Prosecutor opposed the application and contended that the name of the applicant has been surfaced on the basis of confessional statement of Monu Kumar and the offence is punishable under Section 302 of the Indian Penal Code.

It is seen from the order of learned Additional Sessions Judge that the bail was refused on the ground that investigation of the case, at that time, was pending. It is reported that the investigation of the subject crime is over and the charge sheet has been filed.

The FIR of the subject crime is lodged by Dipak Kumar Singh, elder brother of deceased Vikash Kumar. Dipak Kumar Singh reported that his brother Vikash Kumar is done to death by firing a bullet. He suspected that Ajay Kumar Singh and Dharmnath Singh, who are having dispute regarding immovable property with his brother, might have killed him. Thus, name of the applicant is not even figured in the FIR lodged on the basis of suspicion. According to the prosecution case, co-accused Monu Kumar has confessed the crime and in his confessional statement name of the applicant has figured.

Considering the nature of evidence and the question



about its admissibility as well as the fact that the investigation of the subject crime is over, I see no reason to refuse bail to the applicant and, therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No.1139 of 2019 registered with Bihta Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the



instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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