

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6955 of 2023

Arising Out of PS. Case No.-85 Year-2021 Thana- PATORI District- Samastipur

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Dharmendra Rai @ Dharmendra Kumar Son of Sobha Rai, resident of
village- Dhamoun, PS- Patori, Dist- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 01-02-2023 Heard Mr. Sabal Kumar Jha, learned counsel

appearing on behalf of the petitioner and Dr. Indihar Kumari,

learned Additional Public Prosecutor for the State.

The petitioner, who is in custody in connection
with Sahpur Patori P.S. Case No. 85 of 2021 registered for the
offence punishable under Section 395 of the Indian Penal Code
has renewed his prayer for bail by filing the instant bail
application.

Earlier, the prayer for bail of the petitioner was
rejected vide order dated 19.09.2022 after taking into account
the fact that Call Details Report and the mobile location
suggested that the petitioner was also found near the place of
occurrence, apart from the audio clips of accused persons
collected during the course of investigation showing his



participation coupled with his criminal antecedent. However, liberty was granted to him to renew his prayer for bail after three months, in case of no substantive progress.

It is submitted on behalf of the learned counsel for the petitioner that there is no substantive progress in the trial and, moreover, in the meantime, one of the accused persons having similar allegation has been allowed privilege of bail by a learned co-ordinate Bench of this Court vide order dated 30.11.2022 passed in Cr. Misc. No. 66725 of 2022. It is further contended that so far as the criminal antecedent of the petitioner is concerned, out of six, he is on bail in five other criminal cases as has been mentioned in para-3 of the bail application.

On the other hand, learned Additional Public Prosecutor for the State while opposing the bail application submitted that the petitioner is a habitual offender and has involved in six other criminal cases besides the present one and his release from the custody would certainly hamper the trial.

Having regard to the submissions made on behalf of the parties and considering the observation made by this Court and the fact that there is no substantive progress in the trial as has been stated by learned counsel for the petitioner coupled with the fact that the one of the accused persons having similar



allegation has been allowed privilege of bail in the interregnum period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Sahpur Patori P.S. Case No. 85 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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