

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5436 of 2022

Arising Out of PS. Case No.-25 Year-2019 Thana- PANDARAK District- Patna

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DHARO RAI @ DHARMENDRA KUMAR SON OF KAMLESHWARI
PRASAD @ KAMLESHWARI RAI R/O VILLAGE- MAHARAJGANJ
(VARIARPUR), P.S.- N.T.P.C., DIST.- PATNA Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.K. Thakur, Advocate
Mr. Prem Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 06-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 365, 341, 323, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that while his brother had gone to his agricultural land along with labourers, over a dispute he was assaulted by the accused persons but he managed to escape. Subsequently, once again the accused persons came there with the other accused including the petitioner herein, variously armed and resorted to firing etc.. The informant managed to escape but his father was caught. There is no trace of his father. The informant states that he suspects that he has been murdered by the accused.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. No material has transpired in course of investigation nor any witness has claimed to have seen the petitioner abduct the father of the informant. The prosecution case is relying on a manufactured confession allegedly made by the petitioner before the police which is inadmissible. The petitioner is in custody since 17.9.2021 and chargesheet has been submitted only under sections 366, 365, 323, 341, 504 and 506 of the IPC and section 27 of the Arms Act.

Heard learned A.P.P. for the State.

It is submitted by learned counsel appearing for the State that there is direct allegation against the petitioner in the FIR and from the material which has transpired in course of investigation, the father of the informant is still traceless.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR together with the material that has transpired in course of investigation including the father of the informant still being traceless the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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