

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15028 of 2023

Arising Out of PS. Case No.-93 Year-2017 Thana- HALSI District- Lakhisarai

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DHARAMBIR VISKARMA @ DHARAMBIR BISHWAKARMA @
DHARMVEER VISHVKARMA S/O-BUNDI MISTRI Resident of Village-
Premdiha, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Halsi P.S. Case No. 93 of 2017, registered for the offences punishable under Sections 387, 307, 153, 153(A) and 120(B) of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner with his accomplice Ranjit Vishwakarma hatched up a conspiracy to kill the informant. Further it is alleged that this petitioner had been sentenced to life imprisonment for killing



one Kameshwar Prasad.

The main submissions advanced by petitioner's counsel are that the petitioner is innocent and has been falsely implicated in the present case mainly on the basis of suspicion and village politics, informant is an *Ex-Mukhiya* of the petitioner's village and as per prosecution story he alleged that the petitioner and his brother Ranjit Vishwakarma conspired for his murder and in following with that conspiracy some persons came on Bolero vehicle and motorcycles to kill him but in the meantime the police got an information about their plan and reached at the place of occurrence and arrested four miscreants and also seized their vehicles but in connection of said occurrence except suspicion raised by the informant, there is no any other material available, though the petitioner has been convicted in connection with murder of one namely, Kameshwar Prasad Yadav but he has been granted bail in the said case and just some days before his release the petitioner has been dragged in the present case and the informant of the present matter has no connection with Halsi P.S. Case No. 80 of 2014 in which the petitioner was convicted so there was no reason for the petitioner to be involved in any conspiracy to kill the informant of the present case and petitioner was released in the said case



on bail after eight years of his incarceration in that case.

Learned APP appearing for the State has opposed the prayer for bail but fairly accepted that except the suspicion raised by the informant there is no any other material available against the petitioner to connect him to the alleged crime.

Considering the above submissions and mainly the facts that the informant simply raised suspicion against the petitioner and in Halsi P.S. Case No. 80 of 2014 in which the petitioner has been convicted the informant had no connection as per the above submissions and the prosecution has not got any cogent evidence to show the petitioner's motive to commit the alleged occurrence in respect of the informant and also taking into account the petitioner's custody period in the present matter, in my opinion the petitioner is entitled to be released on bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Halsi P.S. Case No. 93 of 2017.

(Shailendra Singh, J.)

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