

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14289 of 2023

Arising Out of PS. Case No.-12 Year-2007 Thana- KOTHI District- Gaya

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DHARMENDRA SINGH Son of Gupteshwar Singh Resident of Village -
Khairi Taira, P.O.- Bharaundha, P.S.- Gurua, District - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dudheshwar Singh, Advocate

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
29.08.2022 in connection with Kothi P.S. Case No. 12 of 2007,
F.I.R. dated 27.04.2007 registered for the offence punishable
under Sections 302,201,120(B) of IPC.

The prosecution case, in short, is that it is found that
the allegation of taking away the deceased while he was
sleeping with Sheodayal Bhuian is against the petitioner and co-
accused Suresh Bhuian. Co-accused Jagat Bhuian is alleged to
have lifted the dead body from the possession of the informant
and taken it away which was cremated with the help of other
accused persons.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. Further submits that as per FIR the petitioner and one Suresh Singh left with the deceased and thereafter on the next day, dead body of the deceased was recovered. Further submits that the informant is not the eye witness of the alleged occurrence even there is no eye witness of the present occurrence and the co-accused persons, namely, Jagat Bhuian and Balo Bhuian have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 04.02.2009 passed in Cr. Misc. No.20 of 2009 and co-accused, namely, Suresh Singh has also been granted bail vide order dated 07.04.2010 passed in Cr. Misc. No.5145 of 2010 respectively and the police, after investigation, has submitted the chargesheet against the petitioner and the petitioner is in custody since 29.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XII, Gaya in connection with Kothi P.S. Case No. 12 of 2007, with the



following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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