

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21972 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- ARA NAGAR District- Bhojpur

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Dharmendra Yadav S/O Late Nand Kumar @ Late Nand Kumar Yadav
Resident of Village- Charkhambahali, P.S.- Ara Town District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
11.04.2022 in connection with Ara Town P.S. Case No. 158 of
2022, F.I.R. dated 22.02.2022 for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code.

According to prosecution case, the accused persons,
namely, Vira Ram and Mantu Kahar have fired upon the brother
of the informant due to previous enmity. It is further alleged that
the brother of the informant was declared dead by the doctor.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case due to previous dispute with the deceased. He further submits that from perusal of the F.I.R. it transpires that there is specific allegation of firing attributed against the co-accused person, namely, Vira Ram and there is no allegation of assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 criminal antecedents other than the present one but fairly submits that the petitioner is on bail in 2 cases out of 3 cases.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 158 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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