

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21210 of 2023

Arising Out of PS. Case No.-35 Year-2015 Thana- SARMERA District- Nalanda

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Dharmraj Kumar @ Dharmraj Ram, aged about 30 years, Gender- Male, s/o Balmiki Ram, resident of village- Manachak, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sarmera PS Case No.35 of 2015 dated 02.04.2015, instituted for the offence punishable under Sections 147, 148, 149, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that when the informant was sitting with her daughter and husband in the hut near the house, the accused persons came armed with firearm, lathi, danda, bhala etc. Bhaso Ram has fired from his pistol which hit the husband of the informant. Petitioner and Rohit Ram are also alleged to have fired. Thereafter, other accused persons started assaulting the informant and her husband due to



which her husband died. The reason behind the occurrence is land dispute.

4. Learned counsel for the petitioner submits that as per the FIR there is allegation of firing against Bhaso Ram, who fired on the husband of the informant, which hit him and thereafter other accused persons including the petitioner also started firing. Learned counsel further submits that in the post mortem only one gun shot injury was found on the person of the deceased. Allegation against the petitioner is general and omnibus. Learned counsel further submitted that one co-accused, Damodar Ram, has been granted bail by a co-ordinate Bench of this Court by order dated 05.04.2022 passed in Cr. Misc. No. 57172 of 2021. Lastly, it is submitted that the petitioner is in custody since 01.11.2022. Charge-sheet has been submitted and one criminal case under the Excise Act is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Nalanda at Biharsharif, in



Sarmera PS Case No.35 of 2015, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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