

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23916 of 2023

Arising Out of PS. Case No.-671 Year-2022 Thana- PARSABAZAR District- Patna

Dhananjay Kumar Son of Hardeo Singh R/o Palanga, PS- Parsa Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vinod Pandey, Advocate
For the Opposite Party/s :	Mr. Raj Kishor Singh, APP
For the Informant/s :	Mr. Avnish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-09-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 05.01.2023 in connection with Parsa Bazar P.S. Case No. 671 of 2022, F.I.R. dated 11.12.2022 for the offences punishable under Section 302/34 of the Indian Penal Code.

3. According to prosecution case, petitioner is alleged to have killed the son of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R., it appears that the alleged date of



occurrence is 09.12.2022 but the present F.I.R. was instituted on 11.12.2022. He further submits that before filing of the present F.I.R., the inquest report was prepared and the post-mortem of the victim was also conducted, thereafter, the present F.I.R. was instituted. He further submits that on 11.12.2022, after completion of all the formalities, the present F.I.R. was instituted after thought only to falsely implicate the petitioner and there is no eye witness of the alleged occurrence. He further submits that except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that post-mortem report reveals that opinion is reserved till receipt of visceral chemical analysis and the F.S.L. report suggest that no ***Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison*** could be detected in the content glass jar. He further submits that the police after investigation submitted the charge sheet against the petitioner and he is in custody since 05.01.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that before filing of the present F.I.R., the petitioner has



threatened the deceased, so he may also involve in the present crime in question. He further submits that the petitioner has also confessed and accepted his guilt in the present occurrence but fairly submits that the confessional statement of the petitioner was recorded after one month of the custody.

6. 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 Judicial Magistrate – Ist Class, Patna, in connection with Parsa Bazar P.S. Case No. 671 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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