

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35982 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

Binod Dhanuk @ Vinod Dhanuk Son Of Kishun Dhanuk R/O Village-
Shahpur, P.S.-Shahpur, District-Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 415 of 2022 dated 28.11.2022, lodged
under Sections 302, 120(b) & 34 of the I.P.C. read with Section
27 of the Arms Act.

4. As per the prosecution case, the F.I.R. has been
lodged against thirteen named accused persons including the
present petitioner. The specific allegation against six named
accused persons is that they started indiscriminate firing, due to
which brother of the informant was brutally injured and
subsequently died when recommended to hospital.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 20.12.2022. Counsel submits that there are seven criminal cases pending against the petitioner. In some of the cases, he is on bail and in some of the cases, he is persuading for bail.

6. Learned counsel for the petitioner further submits that from the contents of the F.I.R. itself, it transpires that the petitioner was in jail at the time of occurrence and his name has figured in this case only and only for the purpose of hatching conspiracy for the murder.

7. Learned counsel for the petitioner further submits that the co-accused against whom the allegation of firing is there has been granted bail by the Co-ordinate Bench of this Court vide order dated 25.05.2023 passed in Cr. Misc. No. 28935 of 2023.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial

Magistrate, Bhojpur at Ara in connection with Shahpur P.S.
Case No. 415 of 2022, subject to the conditions as laid down
under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall
appear physically before the lower court on each and every date
fixed, in case of non-appearance for two consecutive dates
without sufficient cause, shall be resulted into cancellation of
his bail bond.

B. One of the bailors shall be close relative who shall
file affidavit before the court about his relationship with the
petitioner.

C. The petitioner shall file an affidavit at the time of
furnishing of bail bond that he shall not involve in such criminal
activity during the continuance of present bail bond, violation of
this condition shall be resulted into cancellation of his present
bail bond.

10. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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