

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33996 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- TAJPUR District- Samastipur

=====

DHANANJAY KUMAR @ DHANANJAY KUMAR MAHTO Son of
Ramashish Mahto Resident of village, P.O. and P.S.- Majhoul, Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Archana Sinha @ Archana Shahi

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 34 of 2022 registered for the offences punishable under
Sections 120B, 385, 387 and 307 of the Indian Penal Code and
Section 25(1-B) 1(a), 26, 27 and 35 of the Arms Act.

As per prosecution case, informant bus was crossing
near motipur bus stand suddenly five persons came on two
motorcycle and fired upon the driver, Abid Hussain. It is further
alleged that three bullet hit the victim and he was admitted to
hospital. It is further alleged that some day ago scuffle took place
between informant's other drivers and staff of Mahadev Rath. It is
also alleged that ransom of rupees two lakh was demanded from



informant to be paid to the owner of bus Mahadev Rath. It is further alleged that gossip was going that miscreants were hired for killing the informant.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in the present case on account of statement of one witness, Chandan Kumar in para 34 of the case diary. He further submits that petitioner is in custody since 16.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now. He further submits that there is no specific allegation of firing and demand of ransom against the present petitioner. He further submits that victim who has sustained gun shot injury has not stated anything about the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M , Samastipur in connection with Tajpur P.S. Case No. 34 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

