

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37564 of 2023**

Arising Out of PS. Case No.-20 Year-2023 Thana- PHULWARISHARIF District- Patna

Dhiraj Kumar Son Of Dinesh Ray Resident Of Mohalla - Manpur Bairiya,  
P.S. - Gopalpur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      18-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
06.01.2023 in connection with Phulwari Sharif (Janipur) P.S.  
Case No. 20 of 2023, F.I.R. dated 07.01.2023 for the offences  
punishable under Sections 302, 34 of the Indian Penal Code and  
Section 27 of the Arms Act.

3. According to prosecution case, the informant  
believed that this petitioner along with other accused persons  
have killed his son.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case merely on the basis of suspicion.  
He further submits that the allegation as alleged in the F.I.R. is



false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it has come during investigation in paragraph nos. 89 and 97 of the case diary that the co-accused persons, namely, Anand Kumar @ Anand Kishan Dixit and Manjit Kumar have confessed their guilt and they have categorically stated that the co-accused, namely, Kunal Sharma has fired upon the victim and nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and sufficient material has come during investigation to suggest the involvement of the petitioner in the present crime in question.

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 Additional Chief Judicial Magistrate XIV, Patna in connection with Phulwari Sharif (Janipur) P.S. Case No. 20 of 2023, 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)**

Vanisha/-

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