

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43377 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- KADIRGANJ District- Patna

=====

DHARMENDRA RAOUT Son of Late Jugeshwar Raout Resident of village -
Harla, P.s. - Kadirganj, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Sinha No.1, Advocate
For the Informant	:	Mr. Digvijay Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
13.02.2023 in connection with Kadirganj P.S. Case No.3 of
2023, F.I.R. dated 05.01.2023 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, on the basis of
application of informant Ravikant Kumar stating therein that on
05.01.2023 at about 6:00 hours, Narendra Raout was quarreling
with his wife and during that quarrel he started abusing by name
of maternal grandparents of the informant upon which, his
maternal grandparents resisted him and then Narendra Raout



caught hold his maternal grandfather Rajendra Raout to cause his death and when the informant tried to rescue him, petitioner Dharmendra Raout, his wife Laxmi Devi and son Suraj Kumar came there and then petitioner Dharmendra Raout, Narendra Raout Laxmi Devi and Suraj Kumar assaulted to Rajendra Raout with Lathi and Danda resulting which, informant's grandfather Rajendra Raout sustained injury and he died.

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 bare perusal of F.I.R. it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the witnesses are not the eye witness of the alleged occurrence and they are family members of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.02.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the



statement of the other witnesses has been recorded in para 8 and 13 and they have categorically stated that the petitioner has assaulted with Lathi to the deceased and Lathi also recovered from the place of occurrence.

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 A.C.J.M., Mashourhi, Patna in connection with Kadirganj P.S. Case No. 03 of 2023, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

mdrashid/-

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

