

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47064 of 2023

Arising Out of PS. Case No.-290 Year-2023 Thana- BIDUPUR District- Vaishali

Dhiraj Kumar Son Of Shri Ashok Kumar @ Ashok Singh R/O-Ramdauli,
P.S.-BIDUPUR, Distt.-VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr.Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No.290 of 2023 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. The accused/petitioner is not named in the F.I.R.
and is in custody since 20.05.2023.

4. The allegation against the petitioner is to commit
murder of the husband of informant alongwith other named and
unknown co-accused persons by causing firearm injuries, where



occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner appears with the present case on the basis of statement of witnesses, namely Sonu Kumar and Chandan Kumar, while recording their statement under Section 161 of the Cr.P.C. It is also submitted that despite claim to identify the petitioner, no T.I.P. was conducted, where informant is claiming to be an eye-witness of the occurrence. It is further submitted that specific allegation as to cause fatal firearm injury is available against co-accused, namely Rohit Kumar and Mangal Kumar @ Rajeev Kumar, as per F.I.R. While concluding the argument, it is submitted that petitioner found involved in two more cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as specific allegation to cause fatal firearm injury is available against co-accused, namely Rohit Kumar and Mangal Kumar @ Rajeev Kumar, where informant is claiming



to be an eye-witness of the occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.05.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Bidupur P.S. Case No.290 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(ii) That one of the
bailors shall be deponent of the
present bail petition.

(Chandra Shekhar Jha, J)

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