

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53531 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- SALIMPUR District- Patna

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Dhiraj Kumar S/O Late Mahendra Rai Resident of Village Khirodharpur, P.S.
Khusrupur, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Prashant Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the

petitioner, Mr. Prashant Kumar, learned counsel appearing on

behalf of the Informant and learned APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 302, 120(B) of the Indian

Penal Code and Section 27 of the Arms Act.

According to the prosecution case, in brief, is that the

husband of the informant was working in Shah Company as a

Security Guard. On 14.05.2022 at about 4:00 P.M. she came to

know that her husband was murdered by shot fire. She along

with her villagers reached there then saw her husband was lying

in dead condition. Different types of illegal trade was going in

this Company, which protested by her husband and due to which



her husband has been murdered by owner of Shah Company, namely Manish Kumar and Vikash Kumar and employee Dhiraj Kumar and Nitish Kumar .

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that the informant is not an eye witness of the alleged occurrence and the alleged occurrence took place on 14.05.2022 but the F.I.R. was instituted on 16.05.2022 after delay of two days without giving explanation of delay and before filing of the present F.I.R. the postmortem was conducted. He further submits that no other cogent material has come during investigation except the suspicion against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.05.2022.

Learned counsel appearing on behalf of the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner on the ground that the petitioner is one of the conspirator of the present occurrence.

Considering the facts and circumstances of the case and the period of custody, 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 Court below where the case is pending in connection with Salimpur P.S. Case No. 79 of 2022, with 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 witness, 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 antecedents, 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)

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