

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58592 of 2023

Arising Out of PS. Case No.-836 Year-2022 Thana- NAGAR District- Vaishali

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Dipak Kumar @ Dipak Sah, Son Of Devendra Sah, Village- Patwatoli,
Premnagar, Lalganj, Ps- Lalganj, Dist- Vaishali, At Present Residing At Katra
Mohalla, Ps- Town Hajipur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 836 of 2022 registered on 06.11.2022 for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, father of the informant was murdered by unknown miscreants. The name of the petitioner transpired during investigation as one of the accused persons for being involved in the crime.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. Petitioner was a fruit seller on footpath and he has not committed any crime. Petitioner was arrested by the police on 21.11.2022 and at the time of arrest, nothing was recovered from his possession but later on recovery of country made pistol with one cartridge was shown from his possession and Town P.S. Case No. 875 of 2022 dated 20.11.2022 has been lodged against him. The name of the peittioner came up on the basis of confessional statement of co-accused Ritik Kumar and in the same confessional statement the co-accused admitted to the murder of the father of the informant. Petitioner has been remanded in this case on 19.12.2022. Similarly placed co-accused Bhola Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 46627 of 2023. Except the aforementioned case, no case is pending against the petitioner.

5. Learned APP opposes the prayer for bail submitting that name of the petitioner surfaced during investigation and recovery of country made pistol was made from him.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Hajipur Town P.S. Case No. 836 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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