

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55881 of 2022

Arising Out of PS. Case No.-29 Year-2016 Thana- HAJIPUR SADAR District- Vaishali

DHARMANATH SINGH @ DHARMANATH KUMAR @ DHARMA
NATH SINGH @ DHARMA NATH KUMAR Son of Late Nokha Kuar @
Nokha Kunwar Resident of Village- Kariho, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.
Mr. Rohit Kumar, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-05-2023 Heard Mr. Ajay Kumar Thakur, learned senior counsel
for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
26.07.2022 in connection with Hajipur Sadar P.S. Case No.
29/2016, F.I.R. dated 24.01.2016, for the offences punishable
under Sections 341, 324, 307, 120B/34 of the Indian Penal Code
& Section 27 of the Arms Act.

According to prosecution case, it is alleged that co-
accused namely Bipin Singh and Prahlad Singh caught hold the
informant and on the order of co-accused Prahlad Singh, the
petitioner fired upon the informant, which caused injury on the
stomach of the informant. Thereafter the accused persons fled
away.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place. He further submits that Mr. Sujit Kumar, who was present with the informant has not stated anything about the petitioner's involvement and during investigation no one has supported the case of prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No.29/2016, 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)

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