

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67804 of 2022

Arising Out of PS. Case No.-134 Year-2020 Thana- LAUKAHA District- Madhubani

Dharmendra Sah @ Devendra Sah Son Of Ganeshi Sah R/O Village-
Hariraha, P.S.- Andhramath, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Heard Mr. Baleshwar Kamat, learned counsel
appearing on behalf of the petitioner and Mr. Pawan Kumar
Chaurasia, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Laukaha P.S. Case No. 134 of 2020
registered *inter alia* for the offence punishable under Section
302 of the Indian Penal Code.

It is alleged by the informant that fourteen named
accused persons variously armed with came and surrounded the
father of the informant and made indiscriminate firing due to
which, the father of the informant died.

Learned counsel appearing on behalf of the
petitioner submits that the petitioner is not named in the FIR,
however, his name has transpired on the confessional statement



of co-accused Surendra Yadav, who has already been enlarged on bail by this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 37056 of 2021. He further submits that even as per the allegation, the informant is not an eyewitness to the alleged occurrence and he heard only two sounds of firing and, during the course of postmortem, only one bullet injury has been found on the person of the deceased. He further drawn the attention of this Court to the orders passed by the learned Co-ordinate Benches of this Court, whereby the other co-accused persons have been allowed the privilege of bail as contained in Annexure-2 series. He lastly submits that the petitioner is in custody since 06.08.2022, having fair antecedent.

On the other hand, learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the name of the petitioner transpired on the confessional statement of co-accused person and, save and except confessional statement, there is no material, apart from the other co-accused persons have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned S.D.J.M., Jhanjharpur, District-Madhubani in connection with Laukaha P.S. Case No. 134 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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