

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70309 of 2022**

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

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Dharmbir Kumar @ Dharmbir Sahni, S/o Sikandar Sahni, Resident of
Village- Ram Tola, Kothiya, P.S.- Khagaria (Muffasil), District- Khagaria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Prasad Singh, Advocate
For the Opposite Party/s	:	Ms.Nirmala Kumari, APP
For the Informant	:	Mr. Bhubneshwar Mahto, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the State and

learned counsel appearing on behalf of Informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sessions
Trial No.245/2022 arising out of Khagaria (Muffasil) P.S. Case
No. 423 of 2021 registered for the offence under Sections 365,
367, 120(B) of the Indian Penal Code and later on Section 302
of I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.10.2022.

The allegation against the petitioner is to commit



murder of son of the informant alongwith other co-accused persons, due to previous enmities.

Learned counsel appearing on behalf of the petitioner submitted that the maximum allegations against this petitioner as appears from the statement of Bablu Sahni as recorded under Section 164 of Cr.P.C. to accompanying co-accused Sudhir Sahni, who alleged to be the driver of the vehicle. It is also submitted that said Sudhir Sahni has already been granted bail by one of the co-ordinate Bench of this Court vide order dated 06.06.2022 passed in Cr. Misc. No. 4121 of 2022. It is also submitted that the dead body of the deceased was recovered from the open field/Chaur, where admittedly informant is not the eye-witness of the occurrence and entire allegations is founded over suspicion. While concluding the argument, it is submitted that petitioner found involved in four criminal cases, where he is on bail in two cases and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of informant Shri Bhubneshwar Mahto, while opposing the prayer of bail submitted that petitioner



actively participated in alleged occurrence.

Considering the facts and circumstances as mentioned above and by taking note of the statement of Bablu Sahni as recorded under Section 164 of Cr.P.C. suggesting no incriminating circumstances against this petitioner, except to accompanying the co-accused Sudhir Sahni, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sessions Trial No.245/2022 arising out of Khagaria (Muffasil) P.S. Case No. 423 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-V, Khagaria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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