

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73991 of 2022

Arising Out of PS. Case No.-505 Year-2021 Thana- PATNA CITY CHOWK District- Patna

DHIRAJ KUMAR Son of Suresh Prasad Resident of Mohalla- Baxi Maidan,
P.S- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Chowk
P.S. Case No. 505 of 2021 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The son of the informant is alleged to have been
killed by inflicting gun shot injury at the instance of
petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R., however, his



name transpired in this case on the basis of confessional statement of the co-accused persons. He further submits that it has come during investigation that the co-accused, Vikash Kumar and his grand father have fired upon the son of the informant causing the death of the deceased. He further submits that there is no accusation of assault or any overt act attributed to the petitioner. Moreover, the co-accused, namely, Vikash Kumar @ Langra has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.01.2023 passed in Cr. Misc. No. 40003 of 2022. The petitioner is rotting in judicial custody since 08.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but he is on bail in both the cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City, Patna in connection with Chowk P.S. Case No. 505 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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