

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9559 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

Dhiraj Kumar S/O- Sri Suryadeo Singh R/O- Village- Bhagwanpur, P.S.-
Shakurabad, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Priya Ranjan, Adv. Mr. Mukesh Kumar, Adv. Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Rajesh Kumar Sharma, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-05-2024 Heard Mr. Krishna Pd. Singh, learned senior counsel
for the petitioner and learned APP for the State as also learned
counsel for the Informant.

2. The petitioner seeks bail in connection with
Muffasil P.S. case No. 178 of 2023 instituted for the offences
under Sections 302, 120(B), 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the
petitioner is of being involved in the murder of the husband of
the Informant by firing. It is alleged that the petitioner along
with other co-accused persons having arms in their hands were
seen by the Informant while fleeing by motorcycle.



4. The petitioner is named in the F.I.R. along with other co-accused persons and the allegation against him is of being a conspirator of committing murder of the husband of the Informant.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case only on the basis of suspicion. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The Informant is not the eye-witness to the alleged occurrence. No independent witness has support the prosecution case till date. There is a family dispute between the parties. The petitioner has got no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 23.06.2023.

6. Learned counsel for the petitioner has further submitted that the co-accused persons namely Upendra Singh, Ravi Kumar and Rajesh Prasad @ Rajesh @ Dara @ Dara Yadav have been granted bail by a Co-ordinate Bench of this Court vide orders dated 08.09.2023, 25.09.2023 and 25.09.2023 passed in Cr. Misc. Nos. 45479 of 2023, 45845 of 2023 and 41063 of 2023 respectively. He further submits that co-accused



Shinku @ Rajnish Kumar, Nagendra Yadav @ Narendra Yadav and Tej Pratap Singh have also been granted bail by a Co-ordinate Bench of this Court vide common order dated 14.09.2023 passed in Cr. Misc. Nos. 42939 of 2023 along with other connected cases.

7. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is circumstantial evidence against him as he was seen by the Informant at the place of occurrence while he was fleeing after commission of the offence.

8. Considering the entire facts and circumstances of the case and the nature of allegation as also gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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