

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11480 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- CHHABILAPUR District- Nalanda

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DHIRAJ KUMAR S/O SANTOSH PRASAD R/O VILLAGE-
MUDAFFARPUR, P.S- RAJGIR, DISTT.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Adv. Mr. Samir Kumar Bharti, Adv.
For the informant	:	Mr. Rajeev Ranjan Sinha, Adv.
For the Opposite Party/s	:	Mr.Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chhabilapur P.S. Case No. 118 of 2023 dated 23.08.2023 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the co-accused, Babloo Yadav and Phulbabu used to drive the truck and pick-up of the informant's husband. On 22.08.2023 at 2.00 P.M. in the night, the co-accused Babloo Yadav after loading fatti from Katihar on the said truck, proceed and as usual parked the said



truck on the shop of Lallu Jee and went away to his house and at about 6.00 P.M. he called her husband to come with dinner and key and he did the same. After 45 minutes, the co-accused, Babloo Yadav informed her that her husband has not come then she asked to see him because he had already went away much earlier. After some time, the co-accused, Babloo Yadav informed her that someone killed her husband with knife. She along with her children went and saw that her husband sustained firearms injuries on his head and waist due to that he died. She suspects Pappu Yadav as he took Rs. 4,20,000/- in the name of truck from her husband after making C.I.D. the co-accused, Babloo Yadav. When her husband used to demand the said money, he refused to return and also threatened to kill him. She also suspects Badri Mahto who is the father-in-law and Nitish Kumar who is the husband of her elder daughter with whom a matrimonial dispute is pending in the court. When she and her husband went to the matrimonial house of her elder daughter to pacify the matrimonial dispute, they threatened with knife and rifle to kill them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. It is further



submitted that the informant and his family raised suspicion against Bablu Yadav, Pappu Yadav, Badri Mahto and Nitish Kumar. Except suspicion, no any material has come against the petitioner. Learned counsel has further submitted that no direct or indirect evidence has come against the petitioner to kill the deceased. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 23.09.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Nalanda at Bihar Sharif in connection with Chhabilapur P.S. Case No. 118 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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