

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.15325 of 2024**

Arising Out of PS. Case No.-9 Year-2021 Thana- SARE District- Nalanda

Mithun Dharhi S/o Ram Chandra Dharhi R/o vill - Neerpur, P.S.- Bind, Distt.  
- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR  
ORAL ORDER**

3      17-05-2024                      Heard Ld. Counsel for the Petitioner and Ld. APP for  
the State.

2. The present petition has been filed for regular bail in connection with Sare P.S. Case No. 09 of 2021 dated 11.01.2021, registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code. Subsequently, Sections 302, 201 and 34 of the Indian Penal Code was also added.

3. As per allegation, the *bhagina* of the informant was abducted by the petitioner and his associates and later his dead body was recovered.

4. Ld. counsel for the Petitioner submits that the Petitioner has falsely been implicated in this case. He further submits that there is no specific allegation against the Petitioner. He also submits that there is village rivalry between the parties and the name of the petitioner has been dragged in this case only on the basis of suspicion.



5. Ld. Counsel for the Petitioner further submits that other co-accused persons have already been granted bail by a Co-ordinate Bench of this Court as well as by this Court *vide* orders dated 28.03.2022 and 08.06.2022 passed in Cr. Misc. Nos. 31910 of 2021, 53385 of 2021, 60360 of 2021 and Cr. Misc. No. 54977 of 2021 respectively. He further submits that the case of the petitioner is not only similar, but even on better footing than that of those co-accused, who have been granted bail by the aforesaid orders of the Co-ordinate Bench of this Court as well as by this Court.

6. It is stated in Para No. 3 of the bail petition that the Petitioner has got no criminal antecedent.

7. Ld. APP for the State fairly submits that the case of the Petitioner stands on better footing than that of other co-accused, who have already been granted bail by a Co-ordinate Bench of this Court.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, abovenamed, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. ACJM-IV, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 09 of 2021 on the following conditions:



(i) The Petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The Petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The Petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. Court below shall cancel the bail bond of the Petitioner after hearing him and getting satisfied that the Petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the Petitioner.

**(Jitendra Kumar, J.)**

Shoaib/S.Ali-



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