

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20756 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- DHARHARA District- Munger

Dharmendra Kumar @ Dharo @ Karo S/o Sikandar Mahto Resident of
Village- Sundarpur, Police Station- Dharhara, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Prasad Roy, Advocate
For the State	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Bishwajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2024 Heard Mr. Gopal Prasad Roy, learned counsel for the petitioner, Mr. Bishwajeet Kumar, learned counsel for the informant and Mr. Yogendra Kumar, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail, who is in custody since 06.09.2023, in connection with S.T. No. 08 of 2024 arising out of Dharahra P.S. Case No. 188 of 2023, FIR dated 05.09.2023 for the offences punishable under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act later on Section 302 of the Indian Penal Code was also added in this case.

3. As per the prosecution case, petitioner along with other co-accused persons is said to have fired upon the



father of the informant resulting into his death.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case due to previous land dispute between the parties. He further submits that from a bare perusal of the FIR it appears that the informant has informed that on the basis of the statement of the deceased the name of the petitioner has been transpired in the present case but it appears from para-32 of the case diary that the statement of the deceased was recorded under Section 161 Cr.P.C. in which he has categorically stated that the co-accused person, namely, Anjari @ Babby has fired upon him and petitioner was also accompanied with him. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 03.09.2023 but the present FIR has been instituted on 05.09.2023 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that the other accused person, namely, Ram Lakhan Prasad Singh @ Ram Lakhan Mahto has been granted anticipatory bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 7270 of 2024 and another co-accused person, namely, Vipul Kumar @ Mangal Singh @ Bipul Singh has also been granted regular



bail by this Court vide order dated 19.04.2024 passed in Cr. Misc. No. 10914 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.09.2023.

5. Learned APP for the State as well as learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner has clean antecedent, other co-accused persons have also been granted bail by this Court and victim has not stated anything about the petitioner, 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 Addl. Sessions Judge-IV, Munger in connection with S.T. No. 08 of 2024 arising out of Dharahra P.S. Case No. 188 of 2023 with the following conditions:-

(i) 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.

(ii) 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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