

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43621 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- NAUBATPUR District- Patna

Dharmendra Kumar Son of Nageshwar Paswan Resident of village -
Rustamganj, P.S.- Naubatpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sri Krishna Ranjan, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 6 04-10-2024 1. Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with
Naubatpur P.S. Case No. 597 of 2023 registered for the offence
under Section 364 read with 34 of the Indian Penal Code.
3. The accused/petitioner is not named in the F.I.R.
and is in custody since 20.09.2023.
4. The allegation against the petitioner is to commit the
murder of father of the informant alongwith other
known/unknown co-accused persons, where occurrence is alleged
to be arising out of family property dispute.
5. Learned Counsel appearing on behalf of the
petitioner submitted that the petitioner implicated falsely with
present case out of suspicion only, as his name transpired on the



basis of confessional statement of co-accused Kaushal Kumar during investigation, where in furtherance of which, no incriminating material recovered/surfaced, as to connect petitioner *prima facie* with present occurrence of murder. It is further submitted that the *postmortem* report of deceased suggest no knife injuries, where cause of death was ascertained as cardio respiratory failure due to drowning, making the entire self inculpatory statement of co-accused doubtful, on the basis of which the implication of this petitioner was made with present case. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the aforesaid facts and circumstances as save and except suspicion arising out of confessional statement of co-accused, nothing incriminating appears during investigation, as to connect petitioner *prima facie* with present occurrence of murder, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 20.09.2023, accordingly, petitioner above named, is



directed to be released on bail in connection with Naubatpur P.S.
Case No. 597 of 2023 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount each
to the satisfaction of learned A.C.J.M.-VI, Danapur/concerned
Court, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C. /Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

Rajeev/-

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