

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60064 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Dheeraj Kumar Singh @ Dheeraj Kumar Singh Rathor Son of Lalan Singh
Residence of village -Basant Khurd, PS- Suppi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Majorganj P.S. Case No. 329 of 2023, instituted for the offences punishable under Sections 302, 120-B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner along with other co-accused persons were involved in killing the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submitted that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Arun Singh and the same has got no evidentiary value. There is no specific allegation attributed towards the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 22.12.2023 and has got fifteen criminal antecedents in which he is on bail in thirteen cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 05.07.2024 passed in Cr. Misc. No. 47778 of 2024, vide order dated 29.04.2024 passed in Cr. Misc. No. 33019 of 2024 and vide order dated 18.04.2024 passed in Cr. Misc. No. 27857 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Majorganj P.S. Case No. 329 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

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