

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80815 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- BIHIA District- Bhojpur

Dhanjee Nat Son Of Late Rajan Nat Resident Of Village - Benwaliya, Police
Station - Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihiya
PS Case No. 144 of 2023 instituted for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per the prosecution case, it is a case of death of
son of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. It is submitted that during
course of investigation neither a single witness has taken the
name of the petitioner nor a single witness has even raised
suspicion against petitioner about complicity in the alleged



occurrence. Petitioner has been remanded in this case only on the basis of confessional statement of co-accused. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused persons, namely, Lal Babu Prasad and Guddu Kumar Singh @ Guddu Kumar Yadav have already been granted bail by this Court in Cr. Misc. Nos. 74879 of 2023 and 82588 of 2023 vide orders dated 22.02.2024 respectively.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail.

6. From perusal of the FIR, seizure list, postmortem report and impugned order of the learned Sessions Judge, Bhojpur at Ara dated 26.09.2023, it appears that FIR, registered against three unknown persons on the basis of fardbeyan of the informant Ashutosh Kumar and the name of the petitioner surfaced from the confessional statement of co-accused persons. Petitioner is in custody since 29.06.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – Vth, Bhojpur at Ara in



connection with Bihiya PS Case No. 144 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and they shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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