

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2750 of 2024

Arising Out of PS. Case No.-895 Year-2022 Thana- AHİYAPUR District- Muzaffarpur

Dharmendra Rai, MALE, AGED ABOUT 25 YEARS, SON OF LATE
GAJENDRA RAI RESIDENT OF VILLAGE- CHAKMOHABBAT BARA
JAGARNATH, PS- AHYAPUR, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : **Mr.Mohammed Arif**

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 20-03-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Ahiyapur P.S. Case No.895 of 2022 registered for the offence under Sections 147, 149, 341, 342, 323, 324, 325, 307 and 302 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

3. Allegation against the petitioner is to have committed murder after kidnapping the son of the informant along with other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that the allegation



against this petitioner is not specific rather the allegation against this petitioner is general and omnibus in nature. It is submitted that nothing incriminating article has been surfaced, during course of investigation which may connect this petitioner with the present set of murder. It is also submitted that similarly situated co-accused persons have already been granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No.18996 of 2023 and Cr. Misc. No.20038 of 2023 on 11.07.2023, Cr. Misc. No.61344 of 2023 on 12.09.2023, Cr. Misc. No.45349 of 2023 on 12.09.2023. It is further submitted that petitioner is in custody since 15.07.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No.895 of 2022 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, subject to the following conditions:

1. 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 their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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 their 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.

(Ramesh Chand Malviya, J)

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