

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81513 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

Dhiraj Kumar @ Dheeraj Singh Son of Suryadeo Singh @ Surjdeo Singh
Village- Bhagwanpur, P.S.- Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

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

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

ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 697 of 2024 arising out of Muffasil P.S. Case No. 178 of 2023 instituted for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. Earlier *vide* order dated 13-05-2024, passed in Cr. Misc. No. 9559 of 2024 passed by this Court, bail of the petitioner was rejected.

3. Prosecution case in brief is that there is allegation against the petitioner of being involved in the murder of the husband of the informant by firing. It is alleged that the petitioner along with other co-accused persons having arms in



their hands were seen by the informant while fleeing by motorcycle.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23-06-2023. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is no specific allegation against the petitioner. The informant is not the eye-witness to the alleged occurrence. No independent witness has supported the prosecution case till date. There is family dispute between the parties. It is specifically submitted that other similarly situated co-accused, namely, Sinku has been granted regular bail by this Court *vide* order dated 05-07-2024, passed in Cr. Misc. No. 27548 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that this case relates to commission of murder, hence, the petitioner does not deserve the privilege of regular bail.

7. A report was called for from the trial court and it is reported that trial is at the initial stage as against the petitioner and the same is likely to be concluded within a period of six



months.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the fact that there is no likelihood of the trial being concluded in the near future as also claim based on parity, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 697 of 2024 arising out of Muffasil P.S. Case No. 178 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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