IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59071 of 2026

CNR No. BRHC010845142026

Arising Out of PS. Case No.-251 Year-2025 Thana- BELHAR District- Banka

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Dharmendra Das @ Dharmendra Kumar S/O Divakar Das R/O Village-Bisanpur(Das Tola), PS- Belhar, District- Banka

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 20-11-2026 Heard Mr. Brij Nandan Prasad, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 30.08.2025 in connection with Belhar P.S. Case No. 251 of 2025 for the offences punishable under Section 103(1) of BNS and charge-sheet has been submitted under Section 103(1), 61(2), 3(5) of BNS.

3. The prosecution case, in a nutshell, is that on 29.08.2025, at about 7:30 P.M., the informant, Pinky Devi, stated that on 27.08.2025, at about 7:30 P.M., her husband, Ashok Das (deceased), son of Late Laturi Das, had gone to Vishunpur Manjhi Tola to deliver milk. At that time, music was

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being played on the occasion of Ganesh Puja at Vishunpur, where her husband was singing and dancing. As it was getting late at night, she went some distance towards the south of the village in search of her husband. However, due to darkness, she could not reach Musahari Tola and returned home, whereafter she went to sleep. In the morning, at about 5:30 A.M., she was informed by Pinky Devi, wife of Sunil Yadav, resident of Vishunpur, P.S. Belhar, District Banka, that her husband was lying dead in the field of Prakash Yadav. Thereafter, she, along with her co-villagers, went to the place of occurrence and found her husband lying dead on the land of Prakash Yadav. Both his eyes were injured, and there was an injury on his neck. A plastic bag (Jhola) was lying beside the dead body, along with a light-green-coloured plastic bottle in which the deceased used to carry milk daily.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner further submits that initially the petitioner was not named in the FIR and the name of the

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petitioner transpired during the course of investigation on the basis of confessional statement of co-accused persons, namely, Sarvesh Kumar and Dharmendra Das and except the aforesaid nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Sarvesh Kumar who have confessed the name of the petitioner has been granted bail *vide* order dated 18.03.2026 passed in Cr. Misc. No. 2652 of 2026. It is next submitted that police after investigation has submitted charge-sheet and petitioner is in custody since 30.08.2025.

5. The learned Additional Public Prosecutor, appearing on behalf of the State, has vehemently opposed the prayer for bail made by the petitioner.

6. Considering the aforesaid facts and circumstances as well as the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of District and Additional Sessions Judge-ii, Banka in connection with Belhar P.S. Case No. 251 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court

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and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 his 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.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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