

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91313 of 2025

Arising Out of PS. Case No.-429 Year-2024 Thana- KALYANPUR District- East Champaran

Dharmendra Kumar S/o Bhuneswar Rai R/o Village- Pipra Khem, P.S.-
Kalyanpur, District- East Champaran.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Jitendra Kumar, Advocate.
For the State : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 15-01-2026 1. By means of this bail application, petitioner, who is involved in connection with Kalyanpur PS case no.429 of 2024 registered for the offences under Sections 127(1), 127(2), 115(2), 303(2), 318(4) and 3(5) of BNS seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. It is argued by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this case due to ulterior motive. It is further submitted that the F.I.R. was lodged against unknown persons. During investigation police apprehended co-accused Lal Saheb and shown recovery of some parts of vehicle from his possession. It is a case of the prosecution that apprehended co-accused Lal Saheb has



disclosed the name of six other persons including the petitioner who were involved in the alleged crime. Thereafter, petitioner was apprehended by the police but no incriminating article has been recovered from his possession. Much emphasis has been given by contending that Test Identification Parade was also not conducted in the matter and co-accused Lal Saheb has been granted bail by a Coordinate Bench of this Court vide order dated 19.11.2025 passed in Criminal Misc. No.75068 of 2025. The petitioner has criminal history of three cases, out of which in two cases, he was granted bail prior to filing this bail application and in third case he has been granted bail during pendency of this bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioner have also been placed forth before the Court. Lastly, it is submitted that petitioner is languishing in jail since 22.05.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

4. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R. but he does not dispute the averment made in bail application and the submission made at the bar on behalf of the petitioner.



5. Having heard the submissions of learned counsel for the parties and perused the record, I find that co-accused Lal Saheb, from whose possession parts of vehicle have been recovered has been granted bail by a Coordinate Bench of this Court vide order dated 19.11.2025 passed in Criminal Misc. No.75068 of 2025. The case of the petitioner stands on better footing to that of co-accused Lal Saheb. The investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering with the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

6. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.



7. Accordingly, the bail application of the petitioner stands allowed.

8. Let the petitioner namely, Dharmendra Kumar, be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-

(i) That the petitioner shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioner.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) That the petitioner shall not directly or indirectly involve in any criminal activity after being released on bail.

(iv) In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has con-



cealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

10. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

P.S./-

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