

In the court of Addl. Sessions Judge 1st, Bagaha, West Champaran.

Bail Petition No.1795(B)/2022

Registration No.-1795/2022

Arising out of Ramnagar P.S.Case No. -347/2021

Dinesh Kumar Vs State of Bihar

10.10.2022 A bail application earlier filed on behalf of accused petitioner namely Dinesh Kumar who is in judicial custody since 30.09.2022 in connection with Ramnagar P.S.Case No.347/2021, u/s-147,149,341,323, 342,353,290,186,188,447,427,504,506 IPC pending in the court of learned S.D.J.M Bagaha has been pressed today. Copy of the same has been served to the learned Addl. P.P In-charge for state. Case dairy has been produced by the learned Addl.P.P In-charge which is returned after perusal.

Heard Sri Brajeshwar Bharti, learned counsel for the petitioner and Sri Jitendra Bharti, learned Addl. P.P In-charge for state.

The prosecution case in brief is that informant of this case namely Kapoornath Sharma, Inspector cum SHO of Ramnagar Police Station recorded his self statement stating therein that on dated 12.10.2021 at about 7:00 P.M. he got information that dead body of deceased Bhola Sah has been brought at Turaha Toli who was shot by fire arms. Informant along with other police force reached to the house of deceased where B.D.O and C.O of Ramnagar Block also arrived. Informant was talking to the people in the meantime people present there became agitated and put the dead body on Ambedkar Chauk and blocked the road by burning tire and putting *thela* on the road. Police personnel tried to make them understand but they became agitated and manhandle with police party. They also abused to the police personnel. On the interference of the senior officer, they became pacified. On the basis of video footage of the incident some people were recognized who tried to breach the situation of law and order and also instigated the mob for a untoward incident. On the basis of written application of informant, the instant case has been registered.

It has been submitted on behalf of the petitioner that he is quite innocent and has committed no offence as alleged against him and has been falsely implicated in this case due to ulterior motive. Earlier no bail petition on behalf of the petitioner has been filed in this court or any superior court. Petitioner has no criminal antecedent. It has been further submitted that petitioner has been roped in this case due to police mechanism. All the offences leveled against the petitioner are bailable except u/s-353 IPC. Earlier co-accused have been granted bail vide order dated 02.06.2022 and 08.06.2022 passed in B.P.No.1166(B)/22 and 1195(B)/22 respectively and certified copy of

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10.10.2022 the same has been filed. The case of the petitioner stands on similar footings. Petitioner is rotting in judicial custody since 30.09.2022. Hence, he may kindly be enlarged on bail. On the other hand learned Addl. P.P In-charge for state formally opposed the prayer for bail of the petitioners but fairly conceded the submissions advanced on behalf of the petitioner.

Heard both sides and perused the case record. From perusal of F.I.R and documents filed on behalf of petitioner, it appears that allegation against the petitioner is general and omnibus. Co-accused have already been granted bail by B.P.No.1166(B)/22 and B.P.No.1195(B)/22. Bail of the petitioner stands on similar footings. Petitioner is in judicial custody since 30.09.2022 and he has no criminal antecedent as per submission of learned counsel on behalf of the petitioner.

Considering the aforesaid facts and circumstances of the case and material available on record and discussions made above, petitioner is directed to 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 learned court below subject to the conditions as follows:-

1. One of the bailor should be close relative.
2. Petitioner will not be indulged in similar nature of offences in future.

(Dictated & Corrected)



Addl. Sessions Judge 1st