

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4754 of 2020**

Arising Out of PS. Case No.-849 Year-2018 Thana- SHASTRINAGAR District- Patna

DHARMENDRA KUMAR @ DHARMENDRA DAS @ NETAJI Son of Sri  
Sudeshwar Ram Resident of Village/Mohalla- Back of Gupta Market, Near  
Pillar No. 53, P.S.- Hawai Adda, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                               |
|----------------------|---|-----------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Rajendra Prasad, Sr. Advocate<br>Mr. Ritesh Kumar, Advocate<br>Mr. Pramod Kumar, Advocate |
| For the State        | : | Mr. Jitendra Kumar Singh, APP                                                                 |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      23-01-2020                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks regular bail in connection with  
Shastri Nagar P.S. Case No. 849 of 2018, registered for the  
offence punishable under Section 302, 120(b) of the Indian  
Penal Code and Section 27 of the Arms Act.

The allegation is regarding nine FIR named accused  
persons having apprehended the deceased whereafter they are  
stated to have assaulted him resulting in his death and it is  
alleged that one of the co-accused had fired gunshot on the  
deceased.

The learned Senior Counsel for the petitioner has



submitted that the petitioner is innocent, he has not been named in the FIR and no role has been attributed to him in the fardbeyan filed by the informant of this case. It is further submitted that during the course of investigation, the name of the petitioner has transpired in the present case upon disclosure made by the co-accused person on account of prevailing disputes and village rivalry. It is further submitted that though the petitioner is accused in two other cases, but he is on bail in the said two cases. It is further submitted that the petitioner is languishing in custody since 14.11.2019. It is also pointed out that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide orders dated 16.10.2019, 1.10.2019, 13.5.2019, 30.9.2019, 25.9.2019, and 18.9.2019 passed in Criminal Miscellaneous No. 43207 of 2019, Criminal Miscellaneous No. 41219 of 2019, Criminal Miscellaneous No. 13765 of 2019, Criminal Miscellaneous No. 44933 of 2019, Criminal Miscellaneous No. 38758 of 2019 and Criminal Miscellaneous No. 36174 of 2019.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that the



petitioner has not been named in the FIR and no role has been assigned to him in the fardbeyan lodged by the informant as also taking into account the fact that similarly situated co-accused persons have already been granted bail by the coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna in connection with Shastri Nagar P.S. Case No. 849 of 2018.

**(Mohit Kumar Shah, J)**

Ajay/-

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