

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17588 of 2022

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Dhanjee Yadav, Son of Lalbahadur Yadav, Resident of Mohalla- Sital Tola,
P.S.- Ara Town, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Awadhesh Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Md. Mushtaque Alam, APP
For the Informant :	Mr. Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Awadhesh Kumar Pandey, learned counsel for the petitioner, Mr. Madanjeet Kumar, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ara (Town) P.S. Case No. 678 of 2021 registered for the offences punishable under Sections 302/34 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report filed by the informant alleging therein that on 22.09.2021, at about 6.00 P.M., while the informant along with his friends were



present in front of the gate of Sadar Hospital, Ara where his father is used to ply Ambulance and he was standing nearby his Ambulance, in the meantime, three persons, namely, Doman Yadav, Chetan Yadav and Dabal Yadav came on an Apache Motorcycle. Soon thereafter three other persons, namely, Bhulchul @ Buchul, Ravi Ranjan Yadav and one unknown person came from a Pulsar motorcycle and thereafter Chhotu Yadav, Deepu Yadav and Mohit Kumar came on a Splendor Motorcycle. All the three persons, who came on Apache motorcycle wiped out their pistols and started firing. The other six persons, who also came on Pulsar and Splendor motorcycles started making indiscriminate firing in order to terrorize. The accused Doman Yadav, Dabal Yadav and Chetan surrounded the father of the informant and fired upon him, causing bullet injury over his head, face, back and stomach. The informant and his friend taken him to hospital, where he was declared dead. It is also alleged that the informant came to know that on 22.06.2021, the planning of occurrence was made at the house of Kunal Yadav in presence of all the accused persons. The conspirator of the present crime is said to be Dhanjee Yadav (petitioner), Manjee Yadav and Dharmendra Yadav.

Learned counsel for the petitioner submits that the



alleged occurrence took place on 22.09.2021 at about 6.00 P.M. and thereafter the inquest report was prepared and the post-mortem was done on the same day in presence of the police officials, but no F.I.R. has been instituted and surprisingly, the same has been instituted on 23.09.2021 at about 4.00 P.M., which suggests that the F.I.R. has been instituted after due deliberation and it is piece of after thought. He next submits that the occurrence took place in front of the Sadar Hospital, Ara, but there is no eye witness to the alleged occurrence. He further submits that in fact the informant is not the eye witness to the alleged occurrence, had the informant was present at the place of occurrence, he would have certainly put his signature on the inquest report as well as post-mortem report, but there is no signature of the informant in any of the paper, which suggests that he was not even present at the place of occurrence and he came later on and thereafter the F.I.R. has been instituted after due deliberation on the next day. He next submits that at the time and date of occurrence, the petitioner was languishing in Bhagalpur Jail. He lastly submits that the petitioner was remanded in this case on 02.12.2021 and since then he is in custody and after investigation of the crime, charge-sheet has been submitted.



On the other hand learned counsel for the informant vehemently opposes the bail application and submits that during course of investigation, the name of the petitioner has been transpired and it has come that the petitioner, being leader of the gang, is main conspirator and he has multiple criminal antecedent, inasmuch, as he is found involved in nine other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially being leader of the gang, apart from the multiple criminal antecedent of the petitioner, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the bail application stands dismissed.

However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Harish Kumar, J)

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