

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9590 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- CHARPOKHARI District- Bhojpur

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DHANANJAY RAI @ DHANANJAY KUMAR RAI S/o Lal Parikha Rai R/o
village- Bhaluana, P.S.- Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 18526 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- CHARPOKHARI District- Bhojpur

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BALWANT @ TEJASWI YADAV Son of Late Yogendra Yadav Resident of
Village - Agnuchak, Pritampur, Police Station- Charpokhari, District -
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 9590 of 2022)

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

(In CRIMINAL MISCELLANEOUS No. 18526 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Ritwik Thakur, Advocate

For the Informant : Mr. Anand Verdhan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-08-2022

IN CR. MISC. NO. 9590 OF 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Charpokhari P.S. Case No. 203 of 2021 registered for the offence under Sections 341, 342, 504, 302, 379, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 18.12.2021.

The allegation against the petitioner is to commit murder of the brother of the informant along with other co-accused persons, due to previous long standing political disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that there is no allegation regarding any overt act against this petitioner, where the specific allegation of firing is against co-accused, namely, Anil Singh, causing death of the deceased, as it appears from bare perusal of the FIR itself. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the



fact that specific allegation as regard to cause death is against co-accused, namely, Anil Singh, as per FIR.

Considering the facts and circumstances as mentioned above, as there is no overt act attributed to petitioner from bare reading of the FIR, in the background of political disputes/differences, where specific allegation of firing is against, co-accused, namely, Anil Singh coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Charpokhari P.S. Case No. 203 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhojpur, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the



petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

IN CR. MISC. NO. 18526 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Charpokhari P.S. Case No. 203 of 2021 registered for the offence under Sections 341, 342, 504, 302, 379, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 29.11.2021.

The allegation against the petitioner is to commit murder of the brother of the informant along with other co-accused persons, due to previous long standing political disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that the allegation against this petitioner is limited to this extent that he along with one co-accused, namely, Suresh Yadav, fired upon informant, at the end of the occurrence, while



informant was running away. It is also submitted that there is no allegation regarding any overt act against this petitioner, where the specific allegation of firing is against co-accused, namely, Anil Singh, causing death of the deceased, as it appears from bare perusal of the FIR itself. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that specific allegation as regard to cause death is against co-accused, namely, Anil Singh, as per FIR.

Considering the facts and circumstances as mentioned above, as there is no overt act attributed to petitioner from bare reading of the FIR, in the background of political disputes/differences, where specific allegation of firing is against, co-accused, namely, Anil Singh coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Charpokhari P.S. Case No. 203 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhojpur, subject to the following



conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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