

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31485 of 2022

Arising Out of PS. Case No.-398 Year-2021 Thana- MURLIGANJ District- Madhepura

Dharmendra Kumar @ Keshav Yadav Son of Umesh Yadav Resident of
Village-Naulakhi, Ward No.-7, P.S.-Jankinagar, District-Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

The Petitioner seeks regular bail in connection with

Murliganj P.S. Case No. 398 of 2021 registered for the offences

under Sections 307, 393, 34 of the Indian Penal Code and 25(1-

B)a, 26, 27 and 35 of the Arms Act.

As per the allegations, the accused persons riding on

two motorcycles entered into the shop of the informant and

made an extortion demand from the informant which resulted in

scuffling between the both and thereafter the accused persons

took away a bag containing money from the shop of the



informant and started fleeing and at that time the employees of the informant protested and in that course, the cash box fell down and then the accused persons opened fire-arm and ran away after leaving one pistol at the place of occurrence.

The main submissions advanced by the learned counsel Mr. Dinesh Prasad Verma for the petitioner are that against the petitioner there are criminal antecedents of two cases in which in one case he was remanded after lodging of the present case and the other case relates to the opening of the same fire-arm which was recovered in the present case and after petitioner's arrest no incriminating material was recovered from his possession and even he was not put on Test Identification Parade by the police and accordingly there is no any legal evidence against him and he has been languishing in jail since 06.01.2022.

Learned APP Mr. Harendra Prasad appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order of the learned Court below. The investigation in respect of the petitioner has been completed and the order of the learned Court below goes to show that while charge-sheeting the petitioner the police mainly placed reliance upon the



confessional statement of the petitioner and the co-accused persons given before the police and his two criminal antecedents and the petitioner has taken the plea that during the course of his custody period he was not put on Test Identification Parade and the said plea as well as other defences have not been refuted by the prosecution. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner 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 the concerned Court in Connection with Murliganj P.S. Case No. 398 of 2021.

(Shailendra Singh, J.)

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