

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43127 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- KOCHAS District- Rohtas

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DHARMENDRA YADAV @ DHARMENDRA KUMAR YADAV SON OF
JAY PRAKASH YADAV @ JAY PRAKASH SINGH R/O VILLAGE-
SALATHUA, P.S.- KUDRA, DISTRICT- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kumar
For the Opposite Party/s	:	Mr.Umeshanand Pandit
For the informant	:	Mr. Akashdip
		Mr. Suprendra Prasad
		Mr. Rajesh Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-04-2022 Heard learned Counsel for the petitioner, learned

Counsel for the informant and learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail in connection with

Kochas (Parsathua O.P.) Police Station Case No. 28 of 2021,

registered for the offence punishable under Sections

302/307/120-B/34 of the Indian Penal Code and Section 27 of

the Arms Act.

The prosecution case, as per the First Information

Report, is that the FIR-named accused persons, along with some

other persons, arrived at the house of the informant and on the

identification of co-accused Chunnu Rai, two unknown persons



fired upon the brother of the informant, due to which he died.

Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has been implicated in this case after three days of the alleged occurrence. He further submits that no overt act has been alleged against this petitioner and he is in custody since 04.03.2021 and charges have been framed against the petitioner.

On the other hand, learned Counsel for the informant opposes the prayer for bail and submits that though the petitioner is not named in the First Information Report, but during the course of investigation, it has come to knowledge that he was present at the place of occurrence along with other co-accused persons.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is not named in the First Information Report, no overt act has been alleged against him, he is in custody since 04.03.2021 and charges have been framed against him, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on



bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Rohtas, at Sasaram, in connection with Kochas (Parsathua O.P.) Police Station Case No. 28 of 2021.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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