

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23235 of 2023

Arising Out of PS. Case No.-139 Year-2021 Thana- NATHNAGAR District- Bhagalpur

DHARMA YADAV @ DHARMRAJ YADAV @ DHARMRAJ KUMAR @
DHARMRAJ S/O Sitaram Yadav @ Shitaram Yadav R/O Village- Golahu,
P.S- Madhushdanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-05-2023 Heard the parties.

The petitioner is in judicial custody since 09.03.2021 in connection with Sessions Trial No. 435/2021 arising out of Nath Nagar (Madhusudanpur) P.S. Case No. 139 of 2021 registered under Sections 147, 149, 341 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the First Information Report when the informant was moving on the path way, named accused persons came near him with pistol and rod. On seeing them, the informant tried to flee but the petitioner herein opened fire causing injury to him. He anyhow reached his home and explained the entire story to his family members. It is in this way that the present First Information Report came to be



instituted.

Earlier the bail application of the petitioner was rejected vide order dated 31.03.2022 passed in Cr. Misc. No. 51545 of 2021.

Once again the present petition has been filed in which report was called for.

A report of the learned Additional Sessions Judge-VIII, Bhagalpur vide letter no. 51 dated 29.04.2023 has been received and as per the report, out of 11 witnesses only 3 witnesses have been examined till date.

The petitioner is in custody since 09.03.2021 (as stated in paragraph-6 of the application) and in that view of the matter, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.D.J. - VIII, Bhagalpur in connection with S.Tr. No. 435/21 arising out of Nathnagar (Madhusudanpur) P.S. Case No. 139 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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