

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39481 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- CHAUTHAM District- Khagaria

DHARO YADAV Son of late Pulis Yadav Resident of Village - Thatha, P.S.-
Mansi, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr.Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Chautham P.S. Case No. 227 of
2021, G.R. No. 3298 of 2021 registered for the
offences punishable under Section 396 of the
Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief,
according to the informant, is that on 12.10.2021
at about 9:30 A.M. he had proceeded to his bank
for withdrawing money, whereafter he had drawn a
sum of Rs. 3,94,000/- and then while he was going
on his motorcycle to Chautham, on the way at



about 05:25 P.M. in the evening, near Chhoti Telouchh School, three unknown miscreants riding on a motorcycle had appeared and indicated to the informant to stop, whereafter, the person sitting on the back side of the motorcycle had fired gun shots which had hit the informant, resulting in him, falling down on the ground, whereupon the said miscreants had snatched a bag containing a sum of Rs. 3,94,000/- and other articles and had then fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 22.12.2021. It is further submitted that the petitioner is an accused in five other criminal cases but he is on bail in all of them. Lastly, it is submitted that one of the co-accused person has already been granted bail vide order dated 12.01.2023 passed in Criminal Miscellaneous No. 23189 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and



has referred to the impugned order dated 25.06.2022 to submit that there are ample materials on record to suggest the complicity of the petitioner in the alleged occurrence and he has also been identified in the C.C.T.V. footage as is apparent from para-28 of the case diary. It is also submitted that the informant has died subsequently, on account of the fire arm injury sustained by him due to him being shot at by the miscreants.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime and, moreover, he has also been identified in the C.C.T.V. footage, to be the perpetrator of crime, hence I am not inclined to grant bail to the petitioner herein, thus, the present petition stands dismissed.



It is needless to state that as far as the aforesaid order dated 12.01.2023, granting bail to a co-accused person, is concerned, it appears that the factum of identification of the accused persons in the C.C.T.V. footage was not brought to the notice of the Co-ordinate Bench of this Court, resulting in passing of the said order dated 12.01.2023, hence this Court finds that the facts and circumstances of the present case are clearly distinguishable.

(Mohit Kumar Shah, J)

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