

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50156 of 2022**

Arising Out of PS. Case No.-444 Year-2020 Thana- ARA NAGAR District- Bhojpur

Dharmendra Yadav Son Of Nand Kumar @ Nand Kumar Yadav R/O
Mohalla- Charkhambhagali, Shivganj, Ara, P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 18-04-2023 Heard learned senior counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with Ara Town P.S. Case No. 444 of 2020 dated 26.09.2020 registered for the offences punishable under Sections 452, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by the learned senior counsel for the petitioner are that the first part of the FIR is completely absurd and during investigation two important witnesses namely, Sudheer Kumar and Rajesh Kumar recorded their statements and there is serious contradiction with regard to the main assailant who fired at the informant as according to the statement made by witness Rajesh Kumar the main assailant who fired at the informant was Dhanjee Yadav who has been



granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 21493 of 2022 along with co-accused Vicky Yadav vide order passed in Cr. Misc. No. 11865 of 2023 and the petitioner has been languishing in jail since 28.01.2022. Further submission is that the FIR itself is clear that there was enmity in between the petitioner and prosecution party when the alleged occurrence took place and on account of the said enmity the petitioner was implicated in the present case and investigation has been completed against the petitioner.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the side and perused the FIR, case diary and injury report of the informant who is stated to be the sole injured of the present matter and the injury report goes to show that he sustained gun shot injury though as per the above submissions made by the learned senior counsel there is a contradiction with regard to the main assailant who fired at the informant but one thing is quite clear that the informant sustained fire-arm injury and recorded his fardbeyan and as per his fardbeyan the petitioner was the main assailant who fired at him. Considering the nature of the allegation, in the opinion of this court, petitioner does not deserve to the privilege of bail



and his case does not appear to be similar to the above-mentioned co-accused persons who are on bail, Accordingly, petitioner's bail prayer stands rejected.

(Shailendra Singh, J)

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