

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71091 of 2022**

Arising Out of PS. Case No.-503 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Dharmendra Ray @ Dharmendra Rai @ Dharmendra Kumar Son of Nagdev
Ray R/v- Athaniya Patti Hilalpur, P.S.- Industrial Area, District- Vaishali
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jata Shankar Jha, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.07.2022 in connection with Sadar P.S. Case No. 503 of 2022,
F.I.R. dated 03.07.2022 for the offences punishable under
Sections 147, 148, 149, 341, 307, 427, 384, 386, 506, 120(B) of
the Indian Penal Code and Section 27 of the Arms Act and
Section 3/4 of Explosive Substance Act.

According to prosecution case, as per F.I.R. in brief is
that on 03.07.2022 Vedanand Singh along with his two brothers
and his known person Ravi Kumar Mishra and land purchaser
Ranveer Kumar and labourers were doing boundary on the land.
At about 4 p.m. petitioner alongwith F.I.R. named accused
persons and 20-25 unknown persons armed with arms explosive
came there and it is also said that Prince Kumar, Jitendar
Kumar, Brahmdeo Rai and Dharmendar Rai threw bomb on the



informants sides and vehicles and accused Arvind Kumar and Santosh Kumar started indiscriminate firing. As a result of firing and throwing bomb Scorpio and motorcycle have been badly damaged and Kundan Kumar, Arvind Singh and Sanjeev Singh have badly injured.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the informant has implicated the name of the petitioner on the basis of suspicion and the informant himself is not sure and merely on the basis of disclosure made by the other person he has falsely implication the petitioner and other co-accused persons in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner and at the time of the alleged occurrence the petitioner was not present and he was present at SERUM Diagnostic Centre, Old Gandak Pool, Jahuri Bazar, Hajipur for giving his blood sample for (LFT) which is about 14 kms. from the place of the occurrence and it would be evident from CCTV footage of the said Diagnostic Centre. He further submits that the father of the petitioner has filed a representation to the Superintendent of Police, Vaishali on 29.07.2022 and 02.08.2022 to I.G. of Police,



Muzaffarpur Range to examine the aforesaid fact to find out the truth but without verifying the aforesaid the prosecution has filed the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Santosh Kumar has been granted bail by this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 59863 of 2022 passed in Cr. Misc. No. 59863 of 2022, another co-accused namely, Ranjeet Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2023 passed in Cr. Misc. No. 62696 of 2022, another co-accused namely, Arvind Kumar @ Arvind Rai has been granted bail by this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 13473 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar P.S. Case No. 503 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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