

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77591 of 2023**

Arising Out of PS. Case No.-25 Year-2019 Thana- PANDARAK District- Patna

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DHARO RAI @ DHARMENDRA KUMAR SON OF KAMLESHWARI
PRASAD @ KAMLESHWARI RAI RESIDENT OF VILLAGE -
MAHARAJGANJ (VARIARPUR), P.S. - N.T.P.C., DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Mr. Mritunjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 15-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Pandarak P.S Case no.25 of 2019 registered under sections 363, 365, 341, 323, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. The earlier application for bail of the petitioner was rejected vide order dated 6.1.2023 (Annexure-1) passed in Cr. Misc. no.5436 of 2022.

4. As per the prosecution case, the informant states that as a result of land dispute between the parties, the accused persons misbehaved and assaulted his brother. On the informant and his father going to protest, it is stated that the five named accused persons including the petitioner herein as also Shravan



Mahto and five unknown accused persons resorted to indiscriminate firing. The informant somehow managed to escape but his father was illegally restrained. Thereafter, the whereabouts of his father is not known.

5. Learned counsel for the petitioner submits that though in course of investigation, this petitioner in his confession is said to have taken the name of Shravan Mahto, however referring to the F.I.R learned counsel for the petitioner submits that the allegation against this petitioner and Shravan Mahto, so far as the F.I.R is concerned, is the same and the said Shravan Mahto has been enlarged on bail vide order dated 31.3.2022 passed in Cr. Misc. no.49228 of 2021. The petitioner is in custody since 17.9.2021 and there is no progress in the trial in the learned trial Court.

6. The prayer for bail is opposed by learned A.P.P for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 1.12.2023, charge has been framed on 24.7.2023 and one witness has been examined.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, grant of



bail to co-accused Shravan Mahto vide order dated 31.3.2022, the petitioner having remained in custody since 17.9.2021 and the contents of the report received from the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Pandarak P.S Case no.25 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, Patna.

(Partha Sarthy, J)

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