

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15317 of 2024

Arising Out of PS. Case No.-406 Year-2023 Thana- KHAGAUL District- Patna

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Dhanu Kumar @ Vishisht Dhawal @ Varisth Dhawal Son of Rajesh Dhawal
Resident of Village Dhamdhar Garikhana, Dinapur- cum P.S. Khagaul,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Tiwari

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 341, 323, 307, 34, 120-B of the IPC and section 27 of the Arms Act and later on section 302 IPC was added.

3. As per the prosecution case, the F.I.R. named accused persons followed the brother of the informant by motorcycle and started indiscriminate firing upon his brother and his friend, due to which, he sustained injury.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case



due to enmity. There is general and omnibus allegation against the petitioner. The specific allegation of firing is against the co-accused Sikandar Mahto and Bhoma @ Bhobha Kumar. At best, the petitioner can be said to be a member of the accused group. Petitioner has no criminal antecedent and he is in custody since 21.09.2023.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of this case and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Khagaul P.S. Case No.406 of 2023, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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