

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44433 of 2024**

Arising Out of PS. Case No.-75 Year-2024 Thana- GOPALPUR District- Bhagalpur

Dhananjay Yadav S/o Late Rajo Yadav Village-Gosaigaon,P.s.- Gopalpur,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 75 of 2024 instituted for the offences
under Sections 302 of the Indian Penal Code and 27 of the Arms
Act.

3. Prosecution case, in short, is that, one unknown
person fired upon the husband of the informant, as a result of
which he died.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case during investigation on the basis of



disclosure made by villagers due to his enmity with deceased. Learned counsel further submitted that there is a delay of two days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that during course of investigation each and every witnesses has stated that co-accused Vikash Yadav fired upon the deceased. Learned counsel further submitted that on the basis of material in the case diary, no offence under 302 of the Indian Penal Code or 27 of the Arms Act is made out against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.02.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel referring to paragraph no. 16 of the case diary submitted that Golti Yadav, the associate of the deceased as specifically stated that co-accused Vikash Kumar fired upon the deceased.

6. Considering the aforesaid facts and circumstances of the case and the fact that there being no specific allegation of firing against this petitioner either in the FIR or in the case diary, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalpur P.S. Case No. 75 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

