

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68781 of 2023

Arising Out of PS. Case No.-271 Year-2014 Thana- KHAJEKALA District- Patna

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Dharmendra Yadav @ Dharmendra Kumar Yadav Son of Rameshwar Yadav,
Resident of Mohalla- Rai Jay Krishna Road, Gurhatta, Bakhshi Mohalla, P.S.-
Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate.
For the State	:	Mr. Ajay Kumar Jha, APP.
For the Informant	:	Mr. Makardhway Upadhyay, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 30-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks regular bail in connection with
Khajekalan P.S. Case No.271 of 2014 for the offences registered
under Sections 147, 148, 149, 324, 307, 379, 302, 120(B) of the
Indian Penal Code and under Section 27 of the Arms Act.

3. As per prosecution case, the petitioner alongwith
other co-accused persons have gunned down husband of the
informant by entering into her cattle house due to previous
enmity and also caused gunshot injury to her staff at Khatal
(cattle house).

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence and he



has been falsely implicated in this case due to previous enmity between the parties. He further submits that petitioner has no criminal antecedent and he is in jail custody since 18.05.2023. He also submits that there is general allegation of firing against all the accused persons and similarly situated two co-accused persons namely Sumit Yadav and Bablu Gope @ Bablu Yadav have been granted bail by the Co-ordinate Benches of this Court vide orders dated 10.07.2019 & 23.10.2019 passed in Cr. Misc. No.19047 of 2019 & Cr. Misc. No.50443 of 2019 respectively.

5. Learned counsel appearing on behalf of the State assisted by learned counsel for the informant vehemently opposes the prayer for grant of bail to the petitioner and submit that there is direct allegation of firing upon the petitioner which caused injury to the deceased and lastly the deceased died due to the injuries. He further submits that petitioner was avoiding the process of law and was absconding thereafter proceeding under Section 83 of Cr.P.C. was done against him. He next submits that co-accused Sumit Yadav and Bablu Gope @ Bablu Yadav have been granted bail on the basis of material available during their trial and they had been in custody for long period i.e. more than 2 years and 3 years respectively.

6. Considering the aforesaid facts and circumstances



and the submissions made on behalf of the parties, this Court is not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

7. As prayed for, liberty is granted to the petitioner to renew his prayer for bail on fresh ground, if any, and on the basis of material available during his trial after framing of charge.

(Sunil Dutta Mishra, J)

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