

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15827 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- MADHEPURA District- Madhepura

Dhiraj Kumar Son of Santosh Kumar Yadav @ Santosh Yadav Resident of
Village - Mathahi, P.S. and District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that on the date of occurrence, Manish Kumar and Shiva Kumar were returning after attending the court proceedings and as soon as they reached Panitanki godown near Chandrika Public School, miscreants started indiscriminate firing. It has been further alleged that the accused persons including the petitioner herein armed with pistol surrounded them. It has been further alleged that Gaurav Kumar fired with his pistol which hit the waist of



Shiva Kumar and when the bike got unbalanced both of them fell down. After that Alok Kumar, Ashish Kumar, Saurav Kumar, Dhiraj Kumar (petitioner herein) and Md. Jahid made six round firing at Manish Kumar due to which Manish Kumar received fire arm injuries in his waist, stomach, chest and temporal region. Thereafter, the accused persons fled away and also threatened that if they will file a case, all the family members will be killed. The injured persons were brought to Sadar Hospital, Madhepura where doctor declared Manish Kumar dead and another injured, Shiva Kumar was referred to Medical College, Madhepura for better treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner submits that during course of investigation, one Ashish Kumar, son of Bijen Yadav has given his confessional statement and his confessional statement, he has stated that he, Gaurav Kumar and Alok Kumar made indiscriminate firing at Manish Kumar (deceased) due to which Manish Kumar died at the spot. Learned counsel for the petitioner, on bare perusal of the FIR, submits that when Shiva Kumar was accompanying the deceased, Manish Kumar while returning from Court but from perusal of the entire case diary, it



transpires that though Shiva Kumar is alive, his statement was not recorded by the police. From perusal of the FIR, it also transpires that informant is not the eye witness of the occurrence rather injured and eye witness of this case is Shiva Kumar. There is nothing except the confessional statement of Ashish Kumar. In this case, police has already submitted charge sheet. Petitioner has three criminal antecedents and in all cases, he is on bail. Moreover, the petitioner is languishing in judicial custody since 09.12.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhepura P.S. Case No. 06 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura.

(Ashok Kumar Pandey, J)

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