

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25816 of 2025

Arising Out of PS. Case No.-167 Year-2007 Thana- BODHGAYA District- Gaya

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Dharmendra Sao @ Dharmendra Gupta S/o- Sri Sidhu Sao @ Sidhnath Gupta
Resident of village- Kolhaura, P.S.- Bodh Gaya, District- Gaya.... Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bodh

Gaya P.S. Case No. 167 of 2007, G.R. No. 2814 of 2007

registered for the offence under Sections 452, 307, 34 of the

Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and

is in custody since 04.01.2025.

4. The allegation against petitioner is to open fire

upon informant after criminal trespass to his house alongwith

other named co-accused persons. As per FIR, allegation of

firing is available against co-accused Manoj Yadav.

5. Mr. Vijay Kumar Sinha, learned Counsel

appearing on behalf of the petitioner submitted that due to



admitted previous enmity, petitioner implicated falsely with present case. It is pointed out that police after investigation submitted final form against petitioner and arrived on the conclusion that for false implication gun shot injury was self inflicted but learned Jurisdictional Magistrate after perusal of materials available on record took cognizance against petitioner for the offence punishable under Section 307 of the IPC alongwith Arms Act. It is further submitted that allegation of firing is specifically available against co-accused Manoj Yadav and, moreover, petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of fact as the police after investigation exonerated petitioner from crime in question, whereas upon *prima facie* perusal of FIR, allegation to open fire is available specific against co-accused Manoj Yadav and not against this petitioner, coupled with the fact that petitioner remains in custody since 04.01.2025, accordingly, petitioner above named, is directed to be released on bail in



connection with Bodh Gaya P.S. Case No. 167 of 2007, G.R.
No. 2814 of 2007, on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned J.M. 1st Class,
Gaya/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C./Section
480(3) of BNSS.

(Chandra Shekhar Jha, J)

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