

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32522 of 2025

Arising Out of PS. Case No.-240 Year-2023 Thana- IMAMGANJ District- Gaya

Dharmendra Sao @ Dharmendra Kumar Son of Late Saryu Sao @ Late Saryu
Yadav @ Late Saryu Prasad Village- Karmoun PS -Imamganj Dist -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Adv. Mr. Ayush Abhishek, Adv. Mr. Vijay Kumar, Adv.
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Anil Kumar Sinha, Adv. Mr. Sudhir Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-09-2025 Heard learned senior counsel for the petitioner and

learned APP for the State as well as learned counsel for the

informant.

2. In the present case, the petitioner seeks bail in
connection with Imamganj P.S. Case No. 240 of 2023 registered
for the offences under Sections 147, 148, 149, 341, 323, 324,
354(B), 307, 504 and 506 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per prosecution case, petitioner and other co-
accused persons, who were armed with sword, iron rod, hockey
stick and knife, entered into the house of the informant. The
petitioner and co-accused Raushan Kumar drew out pistol and
threatened the informant and his brother and other co-accused
persons also misbehaved with the wife and the sister-in-law of



the informant and tore their clothes. Thereafter, the petitioner other co-accused persons, on gun point, took out the informant and his brother outside their house where they were assaulted causing a number of injuries to them. Co-accused persons also assaulted the informant and his family members.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The occurrence took place on 02.09.2023 at 09:00 PM and the FIR has been lodged on 04.09.2023 at 06:30 PM and this inordinate delay has not been explained by the informant. Learned senior counsel further submits that the police has submitted charge-sheet and has not found the case true under Section 354(B) of IPC and Section 27 of the Arms Act. The injury report of the informant shows he has received simple injury. This fact is not believable in the background of facts of the case as it is alleged that 30 persons assaulted the informant and the informant receiving only simple injury is beyond comprehension. Petitioner is in custody since 03.03.2025 and charge-sheet has been submitted. Petitioner is having antecedent of one case in which he is on bail.

5. Learned A.P.P. as well as learned counsel for the



informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that specific allegation against the petitioner is that he hit the informant and his brother and tried to outrage the modesty of the wife and sister-in-law of the informant. The injury was caused to the informant in the assault by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of injury of the victims and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sherghati, Gaya/concerned court in connection with Imamganj P.S. Case No. 240 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, the learned trial court is directed to verify the criminal antecedent of the petitioner and if any other criminal antecedent, as mentioned in paragraph no.3 of this petition, is found, bail bond of the petitioner will not be accepted.

(Arun Kumar Jha, J)

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