

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36881 of 2025**

Arising Out of PS. Case No.-336 Year-2023 Thana- BIHIA District- Bhojpur

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Dharmendra Yadav @ Ravi Kumar S/o Keshwar Yadav R/o village- Phingi,
PS- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks anticipatory bail in connection
with Bihiya P.S. Case No.336 of 2023 registered under Sections
307/34 of the Indian Penal Code.

3. The prosecution story in brief is that this case has
come into existence on the basis of *fardbeyan* of the informant
Ranju Devi recorded by S.I. Jyoti Kumari, Bihiya Police Station
on 23.12.2023 wherein, it is alleged that on 22.12.2023, she was
at her door when she heard sound of Patakha and thereafter
Nagendra Yadav and Loha Yadav came at her door and Nagendra
Yadav fired shots at her right hand and Loha Yadav fired on her



right chest. She told them that which type of fake bomb was fired, for her hand became senseless. It is further alleged that from 10 meters away from her door, Dharmendra Yadav and Puja Yadav were on motorcycle and immediately ran away along with the other accused persons in different directions. It is alleged that motive of the occurrence was for demand of *rangdaari*.

4. Learned counsel for the petitioner submits that he is innocent and has not committed any offence, as alleged in the F.I.R., and that his family members have also been falsely implicated in the present case. From the F.I.R., it is apparent that there is no specific or overt act alleged against the petitioner nor any indication that he was in any way involved in the said occurrence. It has been stated that there is no criminal antecedent of the petitioner. It is the case of the petitioner that on the date of the alleged incident, he was in Pune and even the plea of alibi, which was taken before the Police, was also explained and investigated and the mobile number, which is said to be in the name of Dharmendra Yadav, the tower location found during 20.12.2023 to 25.12.2023, was within the State of Maharashtra, specifically at Pune. As he is employed in Pune for his livelihood, he had left the village prior to the date of the incident and was not present there at the time when the incident took place.



5. During the course of hearing, the informant has appeared and the factual position has not been controverted with respect to this petitioner that there is no overt act alleged in the F.I.R., save and except his presence has been noted, as per the F.I.R., and after the incident, the informant saw the petitioner fleeing from the place of occurrence sitting on his motorcycle with the co-accused persons.

6. At the same time, the anxiety of the informant is that once the informant is released on bail, he will start threatening and harassing the informant's family, to this learned counsel for the petitioner undertakes that no such incident shall take place and further submits that any condition can be imposed to maintain the peace and harmony within the locality as also to the informant's family.

7. Learned Additional Public Prosecutor for the State has opposed the prayer for anticipatory bail application by stating that the name of the petitioner has come in the F.I.R. and further, the factual position has not been disputed that the plea of alibi was examined by the Police and the mobile which is falling in the petitioner's name was found in Pune within the State of Maharashtra.

8. Considering the fact that there is no overt act as alleged in the F.I.R. and even found during the course of



investigation, that plea of alibi explained by the I.O., has not been controverted by the informant also, save and except, certain protection which he seeks from this Court that in case this petitioner is directed to be released, then certain conditions shall be imposed that he should not commit the same offence and also not harass the family of the informant. Learned counsel for the petitioner undertakes that he would not be disturbing the informant in any manner.

9. And as such, this Court directs that in case if such harassment or overt act is done by the petitioner, the informant would be at liberty to inform to the Police and seek their information and further can file cancellation of bail before the Court concerned with supportive materials and not with the purpose of harassing the petitioner.

10. Considering the aforesaid facts that the petitioner's involvement in the said commission of crime has not been found and it is apparent from the F.I.R., save and except, the name of the petitioner has been taken and further the plea of alibi was also examined, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bihiya P.S. Case No.336 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate-1st Class, Bhojpur at Ara, subject to the
condition laid down under Section 438(2) of the Code of
Criminal Procedure/Section 482(2) of the B.N.S.S, 2023

(Ajit Kumar, J)

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