

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39373 of 2025

Arising Out of PS. Case No.-291 Year-2023 Thana- BARHARA District- Bhojpur

Dhanji Yadav S/o- Jagdish Yadav Resident of Village- Babhangwa, P.S.-
Krishangarh, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr.Advocate
	:	Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2025 Heard Mr.Amit Kumar Anand, learned counsel for the

petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for the

State.

2. Petitioner, who is in custody since 06.12.2023
seeks bail, in connection with S.Tr.No.09/2024 arising out of
Barhara (Krishnagarh) P.S. Case No. 291/2023, dated
15.05.2023, for the offences punishable under Sections 302,
120(b), 34 of the IPC & Sections 27 of the Arms Act and further
added Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, co-accused, namely,
Anshu Upadhyay shot the father of the informant from behind
on account of which he fell from the motorcycle in front of the
shop of Sri Ram Mukhiya thereafter petitioner, namely, Dhanjee



Yadav along with a boy came from behind on a motorcycle and on exhortation of co-accused Anshu Upadhyay and petitioner, namely, Dhanjee Yadav and the boy shot the father of the informant on the head leading to his death.

4. Learned counsel appearing for the petitioner submits that the petitioner is in custody since 06.12.2023 and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. From a bare perusal of the FIR it appears that there is specific allegation of firing attributed against co-accused person, namely, Anshu Upadhyay and as per allegation in the FIR, the petitioner was also involved in the present crime in question alongwith other co-accused person, and said co-accused person, namely, Anshu Upadhyay @ Siddharth Priyadarshi has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 02.08.2023 passed in Cr. Misc. No.47624 of 2023 and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 14.05.2023 at 8.00 A.M. but the present FIR has been instituted on 15.05.2023 at 3.15P.M. after delay of one day without giving any explanation of delay and apart from that, co-accused person, namely, Pawan Kumar has been granted regular bail by this



Court vide order dated 04.09.2023 passed in Cr. Misc. No.55746 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.12.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that, he has participated in the present crime in question. Further submits that the petitioner carries five more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, similarly situated co-accused persons have been granted anticipatory bail or regular bail by a Coordinate Bench of this Hon'ble Court or by this Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Bhojpur at Ara in connection with S.Tr.No.09/2024 arising out of Barhara (Krishnagarh) P.S. Case No. 291/2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

