

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37137 of 2025

Arising Out of PS. Case No.-428 Year-2019 Thana- BIDUPUR District- Vaishali

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Dharmendra Rai @ Dharmendra Gope @ Dharmendra Kumar @ Hero S/o-
Late Abhilakh Rai Village- Khapura Ps- Bidhupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. No. 176/2022 arising out of Bidupur P.S. Case No. 428 of 2019 dated 28.10.2019 registered for the offences punishable u/ss 307 and 353 of the Indian Penal Code and u/s 27 of the Arms Act.

3. As per the prosecution case, on seeing the police, three miscreants ridden on a motorcycle started fleeing away. The petitioner, Dharmendra Kumar fired with pistol which hit the shoulder of Chowkidar Deepak Kumar and they fled away. It is further alleged that three other miscreants also came on Pulsar motorcycle and started firing in which two persons namely,



Prakash Kumar and Namuna Kumar Singh also got injured and all the six accused persons managed to escape leaving Apache motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Satish Paswan. It has further submitted that the petitioner is not the owner of the seized vehicle rather the seized vehicle belonged to the co-accused, Balwant Kumar. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the injured sustained injury on his shoulder which is on non vital part of the body. The co-accused person has already been regular granted bail by this court vide order dated 11.05.2023 passed in Cr. Misc. No. 16886 of 2023. The petitioner has thirty four criminal antecedents in which he is on bail in nine cases as stated in para 3 of the bail petition. The petitioner is in custody since 04.09.2020.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hazipur in connection with S.Tr. No. 176/2022 arising out of Bidupur P.S. Case No. 428 of 2019, with the conditions :-

with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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