

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37604 of 2025

Arising Out of PS. Case No.-429 Year-2019 Thana- BIDUPUR District- Vaishali

Dharmendra Rai @ Dharmendra Gope @ Dharmendra Kumar @ Hero S/O
Late Abhilakh Rai R/O Village-Khapura, PS- Bidhupur, Distt-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S. Tr.
No. 247 of 2022 arising out of Bidupur P.S. case No. 429 of
2019 instituted for the offences under Section 307 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on alleged date
and time of occurrence when the informant was carrying 10 Kg
wheat and 20 Kg rice on his bicycle, three unknown miscreants
fired gun-shots due to which he sustained gun-shot injury on his
left leg below his knee.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case



merely on suspicion as well as due to dirty local party politics. Petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of confessional statement of the co-accused Satish Paswan and Satish Paswan recorded before the police which has no evidentiary value in the eye of law. No T.I.P. has been conducted till date. Nothing incriminating article has been recovered from the possession of the petitioner. The recovered motorcycle belongs to the Balwant Kumar who has been granted by this Hon'ble Court. The co-accused persons have already been granted bail by the Coordinate Benches of this Court vide order dated 24.06.2023 and 11.07.2023 passed in Cr. Misc. No. 34585 of 2023 and Cr. Misc. No. 11062 of 2023 respectively. Co-accused Satish Paswan has also been granted bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 6794 of 2024. Learned counsel for the petitioner further submits that after passing of five years, there is no chance of conclusion of the trial in near future. Even the charge has not been framed in this case. There is no direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.09.2020 and has thirty-four criminal antecedents.



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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bidupur P.S. case No. 429 of 2019, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(IV) The petitioner will not leave the territorial



jurisdiction of the learned court below without its prior permission for the same and, in compliance, the learned Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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