

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69495 of 2025

Arising Out of PS. Case No.-46 Year-2016 Thana- BRAHMPUR District- Buxar

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Dharamraj Thakur @ Dharmraj Thakur Son of Late Chhathu Thakur @
Chhatu Thakur Resident of Village - Diya Parmeshwar, P.S. - Krishnabrahm,
District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the State : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mr. Arvind Kumar Pradhan, learned counsel

for the petitioner and Mr. Md. Mushtaque Alam, learned APP

for the State.

2. The petitioner is apprehending his arrest in connection with Brahampur (Krishnabrhm) P.S. Case No. 46 of 2016, F.I.R. dated 22.03.2016 registered for the offences punishable under Sections 448, 341, 326, 307, 379, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused person had opened fire due to which the informant has got firearm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. From perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation in the F.I.R. and in the F.I.R. it is also alleged that petitioner and other co-accused person Mantu Tahkur had opened fire due to which the informant got firearm injury. Learned counsel for the petitioner further submits that the police after investigation submitted final form in favour of the petitioner but the informant has challenged the final form in Cr. Misc. No. 3916 of 2020 which was disposed of vide order dated 04.08.2022 by which the matter has remanded back to the learned Court below and directed to proceed further in accordance with law and the Hon'ble High Court has also quashed the order dated 04.12.2018 by which the learned Court below has accepting the final form and thereafter the cognizance has been taken against the petitioner on 03.10.2023 and the petitioner has challenged the same in Criminal Revision No. 180 of 2023 but the same was dismissed vide order dated 19.07.2025. Learned counsel for the petitioner further submits that it appears from the F.I.R. that due to some land dispute, the



present occurrence had taken place and the informant is the agnates of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in one case and in the second case the cognizance order has been set aside by the learned Court below itself.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur (Krishnabrhm) P.S. Case No. 46 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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)

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