

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79771 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Dharmesh Yadav @ Dharmesh Kumar Son of Munna Yadav @ Munna Prasad
Singh Resident of Village- Dalsagar, P.S- Buxar (Industrial Area), Distt.-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner apprehends arrest in Buxar
(Industrial) P.S. Case No. 175 of 2024, registered under Sections
109, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27
of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons went to the door of the
informant and called him. It is further alleged that co-accused
Chhotu Kumar had fired upon the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submits that
no specific allegation has been attributed against the petitioner.
The allegation levelled against the petitioner is general and



omnibus in nature. Specific allegation of firing upon the informant is against co-accused, namely, Chhotu Kumar. The petitioner has got one criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 20.12.2024 passed in Cr. Misc. No. 88557 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is further submitted as per statement of the injured mentioned in paragraph no. 63 of the case diary, it transpires that specific allegation firing is against the petitioner. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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