

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78268 of 2025**

Arising Out of PS. Case No.-257 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Dharmendra Kumar @ Dharmendra Yadav @ Titir @ Titir Yadav S/O Shiv
Kumar Prasad R/O Village- Chandrachak, Thana, P.S- Neemchak Bathani,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate Mr. Shutosh Kumar Mishra, Advocate Ms. Wajeeha Jafi, Advocate Mr. A. Kumar, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Neemchak Bathani P.S. Case No. 257 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2), 351(3), 3(5) of the B.N.S and section 27 of the Arms Act.

3. As per prosecution case, on 30.11.24 at 6.30 pm, informant's husband Vikas Yadav went to Mintu Yadav to ask for the money for the soil dumped by the tractor. He was not given the money there, but instead co-accused Mindu Yadav and Bipin Yadav, both of village Chandachak, beat him up and injured him. Co-accused Bipin Yadav and petitioner, both came to informant's house and fired five bullets and pushed her



grandmother Damanti Devi, due to which she fell on the ground. Then they went away threatening to kill her family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the FIR. It is further submitted that there is no allegation of assault attributed to the petitioner; the only allegation is that of firing. From the impugned order itself, it is evident that only one injury, that too simple in nature, has been found. It is further submitted that no specific role of assault has been attributed to the petitioner, and only one cartridge was allegedly recovered, which was handed over to the police by the informant. Learned counsel further submits that there is unexplained delay in lodging the FIR, though, the occurrence allegedly took place on 30.11.2024 at about 18:30 hours, the FIR was registered on the same day at 23:00 hours, even though the nearest police station is only three kilometres from the place of occurrence which raises serious questions on the authenticity of the FIR. It is also submitted that the allegation of five round of firing is not corroborated by the recovery as only one cartridge was recovered from the place of occurrence and the same recovery was shown by the informant, which further casts doubt on the authenticity of the F.I.R. Petitioners bear three criminal



antecedents.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is F.I.R. named accused and he cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, there is no special allegation of assault against the petitioner and injury is simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Neemchak Bathani P.S. Case No. 257 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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