

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76611 of 2025

Arising Out of PS. Case No.-764 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Dharmendra Rai @ Dharmendra Gope @ Dharmendra Kumar @ Hero Son of
Late Awlakh Rai Resident of Village- Khapura, P.S.- Bidhupur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 By means of this bail application, petitioner, who is involved in connection with Hajipur Sadar P.S. case no.764 of 2024, registered for the offences punishable under Sections 126(2)/132/121(1)/121(2)/352/3(5) of B.N.S., seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the complainant who is Jail Superintendent got a First Information Report lodged against the petitioner stating inter alia that on the basis of administrative order, petitioner was transferred to Central Jail, Bhagalpur on 28.09.2024 but on 05.10.2024 at about 3:10 O'clock, he tried to go out of his Cell and on being prohibited,



he started quarrel with the Wardner present there.

4. It is argued by learned counsel for the petitioner, that petitioner has been falsely implicated in this case. The allegation levelled against the petitioner is false and based on concocted facts. In fact, no such incident took place as alleged by the prosecution. No one has received injury of any kind. The petitioner has criminal history of thirty four cases to his credit and in most of the cases he has been implicated on the basis of confessional statement. Lastly, it is submitted that petitioner is languishing in jail since 28.01.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that no has received any injury and there is no injury report. Petitioner is languishing in custody since 28.01.2025. Charge sheet has been submitted. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases and the manner, in which trial of the applicant is going on, the



possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 28.01.2025 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the



court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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