

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86992 of 2024

Arising Out of PS. Case No.-343 Year-2022 Thana- BARHARA District- Bhojpur

Dinesh Yadav S/o- Nand Bihari Rai Resident of Village- Dhusariya, P.S.-
Barhara, District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Advocate Mr.Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s	:	Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 14-05-2025 Heard Mr. Y.C. Verma, learned Senior Counsel for

the petitioner and learned Additional Public Prosecutor for

the State.

2. The petitioner seeks regular bail in connection
with S.Tr. No. 486 of 2024 arising out of Barahara P.S. Case
No. 343/2022 registered for the offences under Sections
307, 120(B)/ 34 of the Indian Penal Code and Section 27 of
the Arms Act to which Section 302 of I.P.C. was added
subsequently.

3. The prosecution case in nutshell is that
petitioner along with co-accused Ritesh Yadav had fired
upon the son of the informant causing injury on his arm and
subsequently, he was taken to the Primary Health Center,



Manichhapra and then was referred to P.M.C.H., Patna. However, during the course of treatment, he died.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case and that the informant and petitioner are neighbours. Learned counsel further submits that he had filed a supplementary affidavit to bring on record the stage of the trial stating that the case was committed on 10.09.2024, however, the trial is still pending for appearance of the accused persons and on perusal of the post-mortem report, it is evident that the cause of the death of the son of the informant was not due to fire arm injury but due to septicemia. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 19.05.2022.

5. Learned counsel for the State has opposed the prayer for bail of the petitioner and submits that there is direct allegation upon the petitioner and one other accused person to have fired upon the son of the informant who during the course of treatment had died.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the



trial is yet to commence as the charges have not yet been framed and also the fact that the petitioner is in judicial custody since 19.05.2022, let the petitioner above-named be enlarged 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 the learned Addl. District & Sessions Judge- 17th Bhojpur at Ara in connection with S.Tr. No. 486 of 2024 arising out of Barahara P.S. Case No. 343/2022 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- d. 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
afore-mentioned order shall not be delayed
for purpose of or in the name of
verification.

(Sourendra Pandey, J)

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