

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45661 of 2026

Arising Out of PS. Case No.-348 Year-2024 Thana- NAUBATPUR District- Patna

Dharmendra Sharma @ Dharmendra Kumar Son of Late Madan Sharma
Resident of Village- Samanpura, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Shahi, Sr. Adv. Mr. Amit Anand, Adv.
For the Opposite Party/s	:	Mr. M K Nirala, APP
For the Informant	:	Mr. Sumit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2026 Heard Mr. Pushkar Narayan Shahi, learned Senior Advocate for the petitioner, Mr. Sumit Kumar, learned Advocate for the informant and Mr. M. K. Nirala, learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Naubatpur P.S. Case No. 348 of 2024, registered for the offence punishable under Sections 341, 323, 302, 504, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

3. This is the third attempt made on behalf of the petitioner, as earlier his prayer for bail was turned down by this Court vide order dated 28.02.2025 in Cr. Misc. No. 9553 of 2025, and further vide order dated 07.11.2025 in Cr. Misc. No.



68103 of 2025, considering the specific nature of accusation of causing firearm injury leading to death of the son of the informant, apart from indulged in threatening.

4. Learned Senior Advocate appearing on behalf of the petitioner submitted that though twice the prayer for bail of the petitioner was turned down, and as such, he is not making any submission with regard to the merit of the case. However, this fact cannot be ignored that both the informant and his wife are claiming to be the eyewitness to the alleged occurrence, but the FIR has been instituted after inordinate delay, that too when the inquest and post-mortem report were duly prepared. The reason behind the false implication is also available in the present case. Besides the aforesaid facts, it is also to be taken note of that the petitioner has been incarcerated since 12.09.2024, and even after more than one year and nine months till date, the charges have not even been framed.

5. On the other hand, learned Advocate for the State and the informant opposed the bail application and submits that the reason behind the non-framing of the charge also lie upon the petitioner as one of the co-accused persons, who is none else but his younger brother, has not even ensured his appearance in the trial, irrespective of the process of Section 82 and 83 Cr.P.C.



having been issued. Moreover, the informant is also facing threat at the hands of accused persons.

6. Having considered the submissions advanced on behalf of the learned Senior Advocate/Advocates for the rival parties and considering the specific accusation against the petitioner, besides the fact that even the charges would not be framed because of one or other reason noted hereinabove, this Court is not acceded to the prayer for bail of the petitioner.

7. Accordingly, the bail application stands rejected.

8. However, this Court expects that the learned trial Court shall take all endeavors to frame the charge and expedite the trial, and in case need arise, the trial of the petitioner and others be separated for the ends of justice.

9. It is also made clear that if there would not have been any substantive progress in the matter within a period of six weeks, the petitioner shall be at liberty to renew his prayer for bail after expiry of such period.

(Harish Kumar, J)

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