

Dharmendra Kumar Yadav vs The State Of Bihar on 6 March, 2025

Author: Khatim Reza

Bench: Khatim Reza

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9307 of 2025
Arising Out of PS. Case No.-397 Year-2024 Thana- HUSSAINGANJ Distri
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Dharmendra Kumar Yadav S/o Late Chandar Choudhary Resident of vill-
Habibnagar PS- Hussainganj, Dist-Siwan

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP.84

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-03-2025

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner apprehend arrest in connection with Hussainganj P.S. Case No. 397 of 2024 dated 10.11.2024, instituted for the offence punishable under Sections 310(4), 310(5) of the Bhartiya Nyaya Sanhita, 2023, Sections 25(1-B) (1), 26 and 35 of the Arms Act and Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The prosecution case, in short, the informant Vijay Kumar Yadav, who is the SHO of Hussainganj PS, received information on 10-11-2024 at about 17.15 O'clock that some criminals were planning to commit a crime near Jeen Baba Asthan, situated in village Habib Nagar, which is situated on the Patna High Court CR. MISC. No.9307 of 2025(2) dt.06-03-2025 left side of Tedhi Ghat Pratappur Road. Accordingly, a raid was conducted, and five person were found assembled at the spot. Upon seeing the police, they tried to flee, with one of them trying to escape on his motorcycle. The police chased them, apprehended four persons, and one managed to escape.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely

implicated in this case. It is contended that petitioner was neither present at the spot nor apprehended by the police during the alleged incident. It is further submitted that only on the basis of confessional statement of Jitendra Kumar Yadav @ Jimmy @ Master, the petitioner has been implicated in this case. Furthermore, no incriminating article has been recovered from the petitioner's conscious possession or from his house. The petitioner has not committed any offence as alleged in the FIR, and the mandatory provisions of N.D.P.S. Act have not been duly complied with by the police. The petitioner has no concern with the seized articles. It is specifically pointed out that the apprehended accused, Jitendra Kumar Yadav @ Jimmy @ Master, in whose possession 79 puriyas of a smack-like substance and mobile phones of Realme and Redmi brands were recovered, disclosed the petitioner's name. Lastly, it has been submitted that two Patna High Court CR. MISC. No.9307 of 2025(2) dt.06-03-2025 criminal cases are pending against the petitioner.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon, furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge, Siwan, in Hussainganj P.S. Case No. 397 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973/482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the Patna High Court CR. MISC. No.9307 of 2025(2) dt.06-03-2025 court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioner will appear before the SHO of concerned PS every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J) shyambihari/-

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