

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2435 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- DEEPNAGAR District- Nalanda

Dharmendra Kumar, Son Of Karoo Mahto Resident Of Village - Dumrawa,
P.S.- Deepnagar, Distt.- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 323, 324, 325, 307, 379, 504 and 506 of the Indian
Penal Code of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that the accused persons including the petitioner came to
his house and started abusing his mother, father and on protest,
it is alleged that Pappu Kumar and Sarwan Kumar assaulted
Naresh Prasad with khanti causing injury on his head and
fracture of both the hands. It is further alleged that the accused
persons including the petitioner assaulted the informant with



iron rod causing injury on his head and fracture on the hand. Thereafter, it is alleged that accused persons also assaulted other member of the informant's family and even snatching mangalsutra and ear-pin of the mother of the informant.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Admittedly, the present occurrence took place on account of existing land dispute. It is further submitted that the allegation of assault is general and omnibus in nature as it is alleged that five accused persons including the petitioner assaulted the informant. It is next submitted that no doubt, one injury is on head, but the same is simple and as far as injury on the hand is concerned, the same is grievous in nature, but then it is on non-vital part of the body. It is next submitted that from the side of the petitioner Deepnagar P. S. Case No.223 of 2021 was also instituted against the informant and other accused persons. It is also submitted that from the side of the petitioner, people received injury on head and fracture of hand. The learned counsel submits that admittedly, the petitioner is not a criminal and even presuming what has been alleged is true without admitting for the purposes of bail, then the grievous injury is on non-vital part of the body and the allegation of assault is not



specific.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Deepnagar P. S. Case No.224 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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