

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52038 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- BEUR District- Patna

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Deena Nath Prasad @ Dinanath Prasad @ Dina Yadav @ Dinanath Yadav,
aged about 47 years, Male, Son Of Late Dharamdas Rai @ Dharamveer Rai,
Resident of Karodichak, P.S.- Phulwarisharif, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs. Soni Srivastava, Advocate and Mr. Nilesh
Sinha, Advocate
For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 14-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in connection
with Beur P.S. Case No. 202/2020 bearing G.R. No. 4455/2020
for the offence registered under Sections 302, 307, 120(B)/34 of
the I.P.C. and Section 27 of the Arms Act.

The prosecution story, in brief, is that six miscreants
on three motorcycles came and entered into the office of the



informant and asked for Tuntun Kumar and on not finding him started indiscriminate firing, as a result of which, the brother of the informant, namely, Dharmendra Kumar, Lal Babu @ Anant Kumar, Rajesh Kumar, Ranjit Kumar and Chintu Kumar @ Niranjan Kumar sustained injuries. All injured were treated in Ford Hospital, Khemnichak, Patna, where Rajesh Kumar died. Thereafter, injured were treated in Paras Hospital, Patna. The shooters left a Motorcycle on the place of occurrence bearing Registration No. BR-01DB5535. It is further alleged that the informant was witness in Dina Gope murder case of Gardanibagh P.S. Case No. 176/2018. The accused of the said case threatened the informant twenty days ago for which he gave an informatory application. It is further alleged that twenty days ago, for a land situated east of Mahendra Showroom, the informant had dispute with the said Dina Nath Yadav who is main accused in Gardanibagh P.S. Case No. 176/2018 and he gave threatening to kill him and that time his Sadhu (brother-in-law), Akash Kumar and his partner Sanjay Yadav @ Sanjay Diraha, Kaushal Kumar and other unknown persons were present with him. It is further alleged that for this dispute, Dinanath Prasad @ Dina Yadav @ Dinanath Yadav, under a conspiracy with intention to kill him. Due to busy in treatment



of injured and one person died, there was a delay in filing the present F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case and he has been named in the present case merely on the basis of suspicion. Except for suspicion, there is no substantive evidence to suggest the implication of the petitioner in the present case. As per allegation, six miscreants came and committed crime. The petitioner is not one of them. Other similarly situated co-accused have been granted anticipatory bail vide Cr. Misc. No. 2217 of 2021 under order dated 23.11.2021 and Cr. Misc. No. 2242 of 2021 under order dated 23.11.2021 and Cr. Misc. No. 12831 of 2021 under order dated 29.11.2021 by this Court as well as by another Co-ordinate Bench of this Court

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Sub Judge-III-cum-A.C.J.M. Patna, in connection with Beur P.S. Case No. 202 of 2020 bearing G.R. No. 4455/2020, subject to conditions as laid down under Section 438(2) of Cr. P.C.

(Sudhir Singh, J)

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