

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66965 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- MADANPUR District- Aurangabad

DHARMENDRA KUMAR Son of Dawarika Saw Resident of Village
Madanpur, P.S. - Madanpur District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Ram Anurag Singh, APP
For the Informant :	Ms. Leelawati Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 20-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
504, 354, 379, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 08.01.2020, the accused persons including the
petitioner came variously armed and thereafter it is alleged that
they started abusing the informant who is a widow and when her
son objected, Vinod Kumar assaulted the son of the informant
with an iron rod as a result of which he sustained head injury and
fell down after becoming unconscious. In the meantime, it is
alleged that Dharmendra Kumar took away Rs. 3,000/- from the



counter of informant's shop.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case along with his father, it is next submitted that police after investigation submitted final form in favour of the father of the petitioner and as far as this petitioner is concerned, the allegation is ornamental of taking away Rs. 3,000/- from the shop of the informant, it is next submitted that the petitioner's father and informant have a shop nearby as a result of which the informant has falsely implicated the petitioner along with his father when allegation of assaulting the son of the informant is against Vinod Kumar.

Learned A.P.P. for the State and learned counsel for the informant oppose the bail application and submits that there is a direct allegation against the petitioner that he took away Rs. 3,000/- from the counter of the informant, but is not able to meet the submission of the learned counsel for the petitioner that both informant and petitioner have their shop and it may be a possibility that on account of commercial dispute, the present false case has been instituted with ornamental allegation. Learned counsel for the informant further submits that the charge-sheet has been submitted against the petitioner.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits



that the police investigates mechanically and it is a result of mechanical investigation because the FIR does not even remotely suggest that the occurrence was witnessed by any neighbour or nearby persons who were standing on the road when admittedly the occurrence had taken place on the road thus it clearly appears that the informant being a widow is taking advantage of her position by making false allegations of theft against the petitioner when he is a person with clean antecedent.

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, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madanpur P.S. Case No. 253 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

