

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53519 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- DHANGAI District- Bhojpur

Dina Nath Singh, son of Sheo Shankar Singh village- Sonbarsha Ps- Dhangai
Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Dhangai P.S. Case No. 63 of 2023, registered on 13.06.2023, for the alleged offence under Sections 147, 341, 323, 307 and 504 of the Indian Penal Code.

03. As per prosecution case, in the background of land dispute, the petitioner assaulted the informant with *lathi* on his head, but the informant saved the blow with his hand and he sustained injury below his eye. The other co-accused persons also assaulted the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The present



case is counterblast of Dhangai P.S. Case No. 62 of 2023, registered for the offence under Sections 341, 323, 307/34 of the Indian Penal Code, which was lodged against the informant of the instant case and other co-accused persons. Learned counsel further submits that the land dispute is admitted in the F.I.R. and the parties are villagers and agnates. The injury of the informant is manufactured and simple in nature, as it appears from the rejection order of the learned court below. Moreover, the injury on his right cheek is measuring 1/2"x1/2"x muscle deep and on left cheek a swelling measuring 1"x1". The petitioner is an old person and he is aged about 61 years. The petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering the lack of material showing any attempt on the life of the informant and further considering the probability of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail



bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st Class, Bhojpur, Ara/concerned court in connection with Dhangai P.S. Case No. 63 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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