

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.520 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- DEO District- Aurangabad

1. Dhiraj Kumar @ Niraj Kumar @ Niraj Son Of Baban Das Resident Of Village - Dattu Bigha, P.S.- Deo, District - Aurangabad.
2. Devilal @ Devilal Yadav Son Of Vishundev Yadav Resident Of Village - Dattu Bigha, P.S.- Deo, District - Aurangabad.
3. Diwakar Yadav Son Of Late Arvind Yadav Resident Of Village - Dattu Bigha, P.S.- Deo, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission
to withdraw this application with regard to petitioner no.2 and
submits that he will not press the anticipatory bail application
with regard to petitioner no.2.

Permission is granted.

Accordingly, this application with regard to petitioner
no.2 is dismissed as withdrawn.

Now this application is being heard with regard to
petitioners no. 1 and 3.

Heard learned counsel for the petitioners and learned



A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304, 323, 324, 325, 341, 354, 307, 504 and 34 of the Indian Penal Code.

As per prosecution case, the informant's brother admitted his new born baby in a hospital on 03.04.2022 and she died at 8:00 am on 05.04.2022 but the doctor informed about the death after lapse of four hours. Upon asking the doctor as to why he was informed after a lapse of four hours, the doctor become violent, started abusing and assaulted the informant and his family members.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that as per the injury report of informant only one injury has been found on his head which is specific against co-accused Anil Yadav. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the



case, let the above named petitioners no. 1 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Deo P.S. Case No.81 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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