

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8443 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- DARIYAPUR District- Saran

Dharmendra Kumar Ray @ Dharmendra Kumar S/o Late Nagina Ray R/o Vill
- Manoharpur, P.S. - Dariyapur, Dist. - Saran At Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Abhay Kumar, A.P.P.
For the Informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. In the present case, the petitioner is apprehending
his arrest in connection with Dariyapur P.S. Case No. 372 of
2023 registered on 20.06.2023 for the offences under Sections
341, 342, 323, 363, 365, 504 & 34 of the Indian Penal Code.

3. As per the prosecution case, the bike of informant
was dashed by a four wheeler and the informant fell down and
was abducted by this petitioner and other co-accused persons.
However, on alarm being raised and when the people
assembled, one of the co-accused persons was apprehended and
petitioner and other co-accused persons fled away from the spot.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and has been
falsely implicated in this case. There is counter version of the

occurrence that wife of this petitioner has recorded Dariyapur P.S. Case No. 387 of 2023 which was registered for the occurrence of same time and date. In the case lodged by the wife of this petitioner, the informant and other persons have been made accused. In the said F.I.R. it has been stated that the informant of this case and others forcibly took away the four wheeler of this petitioner.

5. Learned counsel appearing for the petitioner further submits that the four wheeler which is stated to be a Maruti Suzuki Wagon R vehicle is a small vehicle and it is not believable that six persons could sit in the said vehicle. In fact the informant hatched a conspiracy on seeing the son of the petitioner in the market and gave wrong information to the police and got the son of the petitioner arrested and his vehicle seized. The informant side has not been able to explain the injury on the wife of the petitioner. Further, from the sequence of occurrence it was not possible for the accused persons to flee away from the spot if a large crowd gathered.

6. Learned counsel further submits that the petitioner and the informant were business partners and there was some monetary dispute between them and though the petitioner has returned all the money, the informant lodged this false case in

order to pressurize him. The petitioner is having no criminal history.

7. Learned A.P.P. appearing for the State and learned counsel appearing on behalf of the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that there had been business dealing between the petitioner and the informant in the past and in order to grab the money of the informant the petitioner side wanted to do away with the life of the informant. The prosecution story is supported by independent witnesses who were examined during investigation and the witnesses are eye witness who have seen the occurrence and this fact has come in the case diary.

8. Having regard to the rival submission and facts and circumstances of the case and considering the nature of allegations, I do not think it is a fit case for grant of anticipatory bail. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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