

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6434 of 2024

Arising Out of PS. Case No.-494 Year-2023 Thana- ATRI District- Gaya

Birendra Prasad @ Chunnu Son Of Sahdev Yadav Resident Of Village -
Dharm Bigha, P.S. - Atri, District – Gaya Petitioner
Versus

1. The State Of Bihar
2. Rinku Devi, age not mentioned in the F.I.R. (Female), w/o- Birendra Prasad
@ Chunnu, Resident of village Dharm Bigha,, P.S.- Atri, District- Gaya.
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP
For O.P. No. 2 : None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. None appears on behalf of O.P. No.2 although
she has entered appearance by filing Vakalatnama. Perused the
case diary.

2. The petitioner seeks bail in Atri P.S. case No. 494
of 2023 instituted for the offences under Sections 341, 323,
325, 307, 498(A) and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the accused
persons including the petitioner attacked on the informant and
also pressed her neck which was protested by the informant.
When the informant tried to escape, the accused persons started
assaulting her due to which informant got unconscious.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. The petitioner is husband of the informant (O.P. No. 2). In paragraph 9 of the case diary, the son of the informant namely Raushan Kumar has stated that his mother abused his sister due to which his father assaulted his mother resulting in injuries sustained by her. No ingredients of Section 498(A) I.P.C. is made out in this case. There is delay of 07 days in lodging the F.I.R.. The petitioner further undertakes to keep her wife with full respect, dignity and honour. The injury report of the victim shows that injury No. (1) of broken teeth with blood clot is said to be grievous while other three injuries are simple in nature. Hence, no offence under Section 307 I.P.C. is made out. After completion of the investigation, charge-sheet has been submitted in this case. The petitioner is in custody since 02.11.2023 and has no criminal antecedent

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature of allegation, the period of custody undergone by the petitioner and the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Atri P.S. case No. 494 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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