

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23527 of 2024

Arising Out of PS. Case No.-305 Year-2022 Thana- FATUA District- Patna

1. Dinesh Dev @ Dinesh Deva, Male, aged about 41 years, Son Of Ramashya Prasad, Resident Of Village - House No. A-29/E, A Block, Gharoli, Dairy Farm, Delhi, P.S. - Gazipur, District - East Delhi.
2. Suresh Prasad, Male, aged about 70 years, Son Of Late Prasadi Singh, Resident Of Village - Momindpur, P.S. - Fatuha, District – Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Budhilar Yadav, Advocate
For the Opposite Party	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fatuha P.S. Case No. 305 of 2022 dated 18.04.2022 registered for the offences punishable under Sections 341, 323, 448, 307, 354, 379, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, on 13.04.2022, the petitioners and the co-accused persons armed with weapons came and started abusing the informant. On protest, Dinesh Deva (petitioner no. 1) assaulted with iron rod on her head causing head injury and Suresh Prasad (petitioner no. 2)



assaulted with lathi on her shoulder causing shoulder injury. When she entered the house, the petitioners also entered her house and outraged her modesty. The co-accused Ranju Deva and Malti Devi fled away alongwith the household articles and cash of the informant.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is land dispute between the petitioner no. 2 and the informant's family. As per F.I.R., it is alleged that the petitioner no. 1 has assaulted the informant with iron rod on her head and the petitioner no. 2 has assaulted the informant by lathi on her right shoulder and the doctor has examined the informant and found the injury no. 1, lacerated wound over the left frontal parietal region measuring 1"X1/2" skin deep and the injury no. 2, no any other external injury detected caused by hard and blunt substance which is simple in nature. The petitioner no. 1 has clean antecedent and the petitioner no. 2 has one criminal antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case as well as injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Patna City in connection with Fatuha P.S. Case No. 305 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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