

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34656 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- DUMRAO District- Buxar

1. Jitendra Kumar, aged about 24 years (M), son of Tarkeshwar Prasad, R/O Village- Chatursalganj Dumraon, Ward No.-2b, P.S.- Dumraon, Dist- Buxar.
2. Om Prakash Kumar, aged about 28 years (M), son of Tarkeshwar Prasad, R/O Village- Chatursalganj Dumraon, Ward No.-2b, P.S.- Dumraon Dist- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Krishna Prasad Singh, Senior Advocate and Mr. Dr. Kamal Deo Sharma, Advocate
For the Opposite Party	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-05-2024 Heard learned senior counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Dumraon P.S. Case No. 70 of 2024 dated 02.03.2024 registered for the offences punishable under Sections 307, 326, 342 and 120B/34 of the I.P.C.

3. As per the prosecution case, on 02.03.2024 at about 12.00 o'clock, Pinki Kumari, who is the sister of the petitioners, called the informant and told that she was alone at her house and requested to bring something to eat. When he went to her house with coconut water and electoral powder then Pinki Kumari



alongwith her brothers attacked him. Her brother Jitendra Kumar (petitioner no. 1) caught hold of him and Pinki Kumari cut his private part with blade. Her second brother Om Prakash Kumar (petitioner no. 2) gave '*dab*' blow on his head causing head injury. Somehow, he managed to escape from there, upon which, her third brother the co-accused Dharmendra Kumar tried to catch him, but he anyhow managed to escape and reached to the Sub-Divisional Hospital, Dumraon and called his relatives. His father came from the house and took him to V.K. Hospital, Buxar for better treatment where he gave his fardbeyan. It is further alleged that all the F.I.R. named accused persons called him and attacked with an intention to kill him.

4. Learned senior counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that no incriminating article has been recovered from possession of the petitioners but police has falsely implicated the petitioners in the present case. It is further submitted that the real fact is that the petitioners' sister Pinki Kumari was alone at her house and the informant wanted to commit rape on her but after her shouting the neighbourers gathered and after repulsing by them, the informant run away through roof to roof and due to this reason,



the informant sustained injury. It is further submitted that at the time of the alleged occurrence, the petitioners were not present in Dumraon rather they were in Railway Hospital, Danapur for treatment of their mother. It is further submitted that on 02.03.2024, the petitioners' father went to Dumraon Police Station for lodging F.I.R. against the informant but police has not lodged the F.I.R., then he lodged a complaint case before the learned C.J.M., Buxar and after order of the learned C.J.M., Buxar, the police lodged Dumraon P.S. Case No. 137 of 2024 for the offence punishable under Section 376 of the I.P.C. against the informant. There is case and counter case between the parties. It is further submitted that from perusal of the injury report which is annexed in the supplementary affidavit filed by the petitioners, it appears that the doctor has found the injury on the informant as 'Penis scrotum (Mid part of penis) skin bleeding-red, margin-irregular size 1"x1/4"x1/4")' whereas as per F.I.R., the allegation against the petitioner no. 1 is of catching the informant and allegation against the petitioner no. 2 is of assaulting the informant with '*dab*' on his head causing head injury. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 03.03.2024.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned senior counsel for the petitioners, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 70 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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