

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35710 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- DAUDPUR District- Saran

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1. Dharmendra Sah @ Dharmendra Kumar Sah, S/O Late Mohan Sah @ Late Mohan Singh R/O Vill - Siswa Bujurg, P.S. - Daudpur, At Present Daudpur Bazar, P.S. - Daudpur, Distt.- Saran
 2. Om Prakash Sah @ Prakash Kumar Sah, S/O Late Mohan Sah @ Late Mohan Singh R/O Vill - Siswa Bujurg, P.S. - Daudpur, At Present Daudpur Bazar, P.S. - Daudpur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Daudpur P.S. Case No. 363 of 2023 registered on 31.10.2023 for the alleged offences under Sections 341, 323, 324, 326, 307, 504, 506, & 34 of the Indian Penal Code.

03. As per prosecution case, when the informant forbade the petitioners from throwing dirty water from their



shop on public road, the petitioners threw burning oil on the face and the body of the informant causing burn injuries to him.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The present case is the counter blast of Daudpur P.S. Case No. 362 of 2023 filed by the cousin of the petitioners, Rajkumar Sah, against the informant and others. As the minor daughter of the informant of Daudpur P.S Case No. 362 of 2023 was forcibly caught hold by three accused persons of that case who confined her in a room with wrong intention and on alarm being raised, Rajkumar Sah and his wife was assaulted by the accused persons, who later on came to the shop of the petitioners and they were variously armed and they also assaulted the petitioners and others. Thus, the present case has been lodged by the informant only to save his skin from the case lodged by the cousin of the petitioners. Learned counsel further submits that the injury of the informant has been found to be simple in nature and is stated to be 15 percent burn injury. The petitioners have no knowledge about the injury caused to one Naveen Kumar Singh and the same has not been mentioned in the FIR. It shows the falsity of the accusation levelled against the petitioners and



it fortifies the case against the informant that they were aggressor and assaulted the petitioners and his family members and attacked his shop. The petitioners have no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties coupled with clean antecedent of the petitioners and also considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, Saran/concerned court in connection with Daudpur P.S. Case No. 363 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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