

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40855 of 2024

Arising Out of PS. Case No.-935 Year-2023 Thana- DEHRI TOWN District- Rohtas

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1. Manju Devi Wife of Dharmendra Singh @ Dhanjee Singh, R/o Village- Chakanawa, PS- Indrapuri, Dist- Rohtas.
 2. Jitendra Singh @ Sunil Singh Son Of Ram Nagina Singh, R/o Village- Chakanawa, PS- Indrapuri, Dist- Rohtas.
 3. Dharmendra Singh @ Dhanjee Singh Son Of Ram Nagina Singh, R/o Village- Chakanawa, PS- Indrapuri, Dist- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Rajesh Kumar Singh, the learned

counsel for the petitioners and Ms. Madhuri Lata, the learned

Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the

petitioners seek permission to withdraw the anticipatory bail

application with respect to petitioner no. 3 namely, Dharmendra

Singh @ Dhanjee Singh.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with

respect to petitioner no. 3, namely, Dharmendra Singh @

Dhanjee Singh is dismissed as withdrawn.



5. The petitioner nos. 1 and 2 are apprehending their arrest in connection with Dehri (Nagar) PS Case No. 935 of 2023, FIR dated 17.11.2023, registered for the offences punishable under Sections 143, 448, 341, 323, 379 and 307 of the Indian Penal Code.

6. According to prosecution case, the co-accused persons, variously armed, entered into the house of the informant and assaulted her and her family members. It is further alleged that Dhanjee Singh assaulted the informant with *gada* on her head due to which she sustained head injury, Manju Devi held her hair and dumped her on the ground and Mohit Kumar snatched the tops and golden chain of the informant.

7. Learned counsel for the petitioner nos. 1 and 2 submits that petitioner nos. 1 and 2 have clean antecedent and they have falsely been implicated in the present case due to drainage dispute between the parties and husband of the informant and husband of petitioner no. 1 are own brothers and due to the aforesaid dispute, the present occurrence has taken place and both the sides have received injuries and there is also case and counter case between the parties. He further submits that upon perusal of the FIR, it appears that there is no specific



allegation of any assault or overt act attributed against petitioner nos. 1 and 2, rather there is general and omnibus allegation against all the accused persons, except the co-accused person namely, Dharmendra Singh @ Dhanjee Singh, against whom there is specific allegation of assault.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1 and 2.

9. Considering the aforesaid facts and circumstances and the fact that petitioner nos. 1 and 2 have clean antecedent and there is no specific allegation of assault or overt act attributed against them, let the petitioner nos. 1 and 2, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas, where the case is pending in connection with **Dehri (Nagar) PS Case No. 935 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). petitioner nos. 1 and 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner nos. 1 and 2 tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner nos. 1 and 2 and in case, at any stage, it is found that the petitioner nos. 1 and 2 have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner nos. 1 and 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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