

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40088 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- DHANARUA District- Patna

Deepak Kumar @ Parmeshwar Kumar, S/O Mr. Rajdeo Prasad, R/O Village-
Sigramur, P.S- Dhanaura, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Dhanarua P.S. Case No. 415 of 2023 registered on 17.07.2023 for the alleged offences under Sections 341, 323, 307, 504/34 of the Indian Penal Code and subsequently added Section 302 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons, in the background of land dispute, assaulted the informant and her mother and her father causing injury to them. Later on, the father of the informant succumbed to his injuries.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. Admittedly, the land dispute is admitted. The FIR has been registered after a delay of one day for which there is no satisfactory explanation. It also appears that the deceased forcibly tried to plough the land belonging to the family of the petitioner. In this background, the occurrence took place and from the contents of the FIR, it appears that the allegation of assault on the head of the father of the informant is against co-accused Chandan Kumar. Only a vague allegation is there against this petitioner and the co-accused Rajdeo Prasad that they hit on the left thigh of the father of the informant, but there is no such injury. From the FIR, it also appears that other persons also received injuries, but no such injury reports have been brought on record. Learned counsel further submits that the informant side made improvement and they added the name of this petitioner as well as co-accused Rajdeo Prasad as the assailants who also hit on the head of the deceased. The learned counsel further submits that post mortem report of the deceased shows one external injury in the middle of forehead of sizable dimension and other injury is lacerated wound on left big toe of superficial dimension. The petitioner is in custody since 02.11.2023 and charge-sheet has been submitted. The petitioner



is having criminal antecedent of one case in which final form has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP further submits that there is allegation against this petitioner for assaulting the deceased along with other co-accused persons.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the doubtful nature of allegation against the petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Masaurhi, Patna, in connection with Dhanarua P.S. Case No. 415 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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