

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50127 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- ITARHI District- Buxar

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Dhiraj Kumar Upadhyay @ Angrahit Upadhyay S/o Rasbihari Upadhyay R/o
vill - Shukarwalia, P.S. - Itarhi, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Itarhi P.S. Case No. 75 of 2024, instituted under Sections 147, 149, 341, 323, 353, 307, 504, 427, 506 of the Indian Penal Code.

3. As per the prosecution case, when the employee of Bihar Fire Brigade Service were on their duty for extinguishing the fire in the field situated in village Shukravalia, 25 -30 people attacked them with iron rod, Khanti etc. causing injuries to them. Allegation against the petitioner is that he damaged the government vehicle, which were identified by the local *Chaukidar*.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion and village politics. There is no allegation of any assault against the petitioner. Injuries caused to the injured are simple in nature. The crop field of the petitioner was burnt in the fire and being a land owner petitioner was busy in extinguishing the fire, however his name was added in this case. Petitioner has one criminal antecedent.

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

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Court No. 11 at Buxar in connection with Itarhi P.S. Case No. 75 of 2024, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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