

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56829 of 2024

Arising Out of PS. Case No.-868 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Dhananjay Kumar Son of Sonu Mahto @ Sanhu Mahto R/o- Village- Banjari,
P.S.- Gopalganj, Distt.- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Gopalganj (Town) P.S. Case No. 868 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, the informant has alleged that on 18.06.2022 when his son along with his cousin was returning home and reached near the Banjari Pond, the accused persons surrounded him and snatched key of the motorcycle and assaulted him indiscriminately. Co-accused Bashishth Kumar took out knife from his pocket and gave to Chandra Bhushan whereupon Chandra Bhushan inflicted knife blow on the chest of the son of the informant.



All the accused persons pushed the son of the informant on the ground and inflicted knife in his abdomen and his intestine came out and considering that the son of the informant dead, all the accused persons fled away from there. Thereafter the informant along with villagers came there and taken away his son to the Hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and have falsely been implicated in this case. It is submitted that the entire prosecution story is false, frivolous and vexatious against the petitioner and from the perusal of the FIR, it is manifestly clear that the informant is not an eye-witness to the alleged occurrence. It is further pointed out by the leaned counsel for the petitioner that the alleged occurrence took place on 18.06.2022 and the instant FIR was instituted by the informant on 19.10.2022, after delay of four months.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submissions that no overt act has been released against this petitioner and in the case of **Bashishth Kumar** in **Cr. Misc. Case No.51218 of 2023**, this Court having noticed that the said petitioner had not committed any over act and that the injuries found on the injured Shibu Kumar was simple in nature, granted bail to Bashishth Kumar, the case of the petitioner is similarly situated and it has not been controverted by learned APP for the State, hence this Court directs that in case of his arrest or



surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Gopalganj (Town) P.S. Case No.868 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

durgesh/-

U		T	
---	--	---	--

