

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70282 of 2024

Arising Out of PS. Case No.-332 Year-2023 Thana- SAUR BAZAR District- Saharsa

Dharmendra Kumar @ Dharmendra Sah S/O late Chhoti Sah @ Late Chhotki Sah R/O Bakhri, Ward No. 12, P.S- Sourbazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Agarwal, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-12-2024 Heard Learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Saur Bazar P.S. Case No.332 of 2023 under Sections 147, 148, 341, 323, 307, 354B, 379, 504 and 506 of the I.P.C. Later on section 302 of the IPC has been added.

3. As per the prosecution, the FIR has been lodged against nine named accused persons including the petitioner against whom there is allegation to outrage the modesty of the informant and in the assault, injury took place upon one of the friend of informant's husband due to which he died.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits



that initially case has been lodged under section 307 of the IPC, but subsequently section 302 of the IPC has been added. He further submits that there is a case and counter-case for the same date and place of occurrence and this aspect may be taken into consideration.

5. Learned Counsel also submits that antecedent of the petitioner is clean. He further submits that one of the co-accused has been granted bail by this Court vide order dated 28.08.2024 passed in Cr. Misc. No. 28069/2024. He further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail and submits that date of occurrence is 18.06.2023 for which two cases have been lodged. One from the petitioner's side *i.e.*, Saur Bazar P.S. Case No.339 of 2023 and another from the informant's side (present case) one *i.e.*,Saur Bazar P.S. Case No.332 of 2023.

7. From the F.I.R., it transpires that the first case has been lodged on 19.06.2023 whereas the second case has been lodged on 22.06.2023. There is specific allegation of assault and murder due to injury caused by the accused persons. The petitioner is a member of mob and had played active role.



8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

9. However, Trial Court is directed to consider the regular bail application of the petitioner, if he surrenders within four weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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