

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71644 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- AKILPUR District- Saran

Dhananjay Singh @ Dhananjay Kumar @ Dhanjey Kumar S/O America
Singh R/O Village- Pakaulia, P.S- Akilpur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Atul Shankar, Advocate
For the Opposite Party/s	:	Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Akilpur P.S. Case No. 55 of 2022 dated 16.10.2022 instituted
for the offence punishable under Sections 341, 323, 448, 313,
354(B), 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
entered informant's house while she was sleeping and molested
her. On protest, he started abusing and threatened to kill her.
When she raised alarm, he knocked her down on the ground,
which caused her abdominal pain as she was five months preg-
nant, and consequently, her child was found dead in her womb.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the petitioner and the informant are neighbours and earlier, there was a dispute between them as the informant's goat grazed the paddy field of the petitioner. Learned counsel for the petitioner submits that the date of occurrence is 14.10.2022 and in this regard, F.I.R. has been lodged on 16.10.2022 after two days delay without any plausible explanation. The injury report does not show the allegation of termination of pregnancy, as such, no offence under Section 313 of the Indian Penal Code is made out against the petitioner. Learned counsel for the petitioner further submits that there is no independent witness in this case who support the prosecution case. Learned counsel for the petitioner submits that from perusal of the injury report, which is at page 14 of the case diary, it shows that injury is simple in nature and it is also stated that no any report of USG abdomen is submitted by the patient till 30.08.2023. From perusal of the case diary, it is submitted that the informant has not been examined under Section 164 of the Criminal Procedure Code. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Considering the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner in the present case.



6. Accordingly, provisional bail granted to the petitioner *vide* order dated 08.11.2023, in connection with Akilpur P.S. Case No. 55 of 2022 pending in the court of learned C.J.M., Saran, is hereby confirmed, and the bail bond furnished by the petitioner shall be treated to be a bond furnished pursuant to this order; subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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