

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82303 of 2023

Arising Out of PS. Case No.-489 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Dhananjay Kumar Son of Baijnath Lal R/o vill - Bhakharua Moar, P.S. -
Daudnagar, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No. 489 of 2023, registered on 16.08.2023 for the offences under Sections 341, 323, 354B, 307, 379/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner molested the informant and when her husband and father-in-law intervened, he assaulted the husband of the informant on the head with iron rod causing fracture on the head. The petitioner also fractured the head of the father-in-law of the informant and leg of her brother-in-law.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in



this case. The petitioner is the brother of father-in-law of the informant and the petitioner along with his wife and children stay in the joint family house in which the informant and her other family members used to stay and the informant side used to torture the wife of the petitioner. The petitioner is working in C.R.P.F. and he stays outside to attend his duty. There is a counter version of the case as wife of the petitioner has lodged Daudnagar P.S. Case No. 490 of 2023 for the offences under Sections 341, 323, 354B, 308/34 of the Indian Penal Code against the family members of the informant. Further the injury alleged to be caused to the husband and father-in-law of the informant is stated to be simple in nature. Learned counsel further submits that there is no application of Sections 354B, 307 and 379 of the IPC in the facts and circumstances of the case as the allegation of molestation or theft is not believable and there is no ingredients for offence of intention to cause death. The family dispute is apparent. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the nature of family dispute between the parties and simple nature of injuries without any intention to cause death, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Daudnagar, District - Aurangabad/concerned court in connection with Daudnagar P.S. Case No. 489 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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