

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2619 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- DHANAHA District- West Champaran

DIGVIJAY PRASAD @ DIGVIJAY PRASAD YADAV SON OF LATE
CHANDRIKA PRASAD RESIDENT OF VILLAGE-TAMKUHA
WARD NO.06, P.S.-DHANAHA, DISTRICT-WEST CHAMPARAN

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s	:	Umesha Nand Pandit , APP
For the iNformaNt	:	Milind Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and

the State.

2. Petitioner apprehends arrest in a case
registered for the offence punishable under sections 341 ,
323 , 307, 354, 379, 504, 506 and 34 of the Indian Penal
Code.

3. Prosecution case, in brief, is that on



September 13, 2023, at about 5:00 p.m., the informant saw that Binda Devi (the maid of Dr. Digvijay Prasad) was cutting millet in her field. On seeing the informant, she started running away. The informant returned to her door and told her that Binda Devi had cut millet from her field. Then this petitioner, Digvijay Prasad, along with other co-accused persons, namely Vishal Prasad, Nihal Prasad, Asha Devi, Binda Devi, Angira Kumari, Puja Kumari, and Chulbuli Kumari, armed with lathi, danda, and an iron rod, came at the door of the informant and abused and assaulted her and also tried to outrage the modesty of the informant. Thereafter, co-accused Aasha Devi snatched a golden chain worth Rs. 20,000 from the neck of the informant. When the husband of the informant, Santosh Singh, and son, Kuldip Kumar, came to rescue her, all the accused persons also abused and assaulted them, and this petitioner, Digvijay Prasad, ordered the other co-accused persons to kill the husband of the informant whereupon Santosh co-accused Vishal, and Nihal assaulted on the head of the informant's



husband with an iron rod, due to which he received a head injury, his arm was broken, and he was taken to the hospital.

4. Learned counsel for the petitioner submits that petitioner is only alleged to be the order giver and there is no allegation of assault alleged against him. Specific accusation of assaulting the husband of the informant is against other co-accused persons, namely , Vishal, and Nihal . Rest of the allegation is ornamental in nature .

5. Learned counsel for the State and informant oppose the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class Bagaha , District- West Champaran in connection with Danaha P.S. case No.



187 of 2023 , subject to the conditions laid down
under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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