

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8763 of 2025

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

Dharmendra Kumar @ Dharmendra Sah S/O Late Chhoti Sah Resident of
Bakhri, Ward No. 12, P.S. - Sourbazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Agarwal, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-05-2025 Heard Learned Counsel for the petitioner, Learned
A.P.P. for the State and Learned Counsel for the informant.

2. The petitioner seeks regular bail in connection with
Saur Bazar P.S. Case No. 332 of 2023 lodged on 19.06.2023, for
the offences punishable under Sections 147, 148, 341, 323, 307,
354(B), 379, 504 & 506 of the Indian Penal Code. Later on,
section 302 of the IPC has been added.

3. As per the prosecution, FIR has been lodged against
nine named accused persons including the present petitioner
alleging therein that all the accused persons assaulted and
abused the family members of the informant. It is specifically
alleged against the petitioner that he tried to commit rape upon
the informant.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that allegation against the present petitioner is that he tried to outrage the modesty of the informant and there is general and omnibus allegation against all accused persons to assault the informant's husband and Mangal Sah and subsequently, Mangal Sah died. Counsel submits that for the same date and place of occurrence, there is case and counter case from both the sides. Counsel submits that petitioner's side are not criminal, rather, under the heat of passion, scuffling took place from both the sides which resulted into injury of two persons of both the sides. Counsel submits that petitioner earlier moved for anticipatory bail which was rejected by this Court and thereafter, petitioner has moved for regular bail application. Counsel further submits that petitioner has no criminal antecedent and he is in custody since 10.12.2024 and petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that it is not the question of injury only, rather, assault by the petitioner and others, due to which, death has been caused in this case. Therefore, this aspect must be taken into consideration.



6. Learned Counsel for the State opposes the prayer for bail of the petitioner but submits section 302 of the IPC has been added in this case after 16 days of lodging the FIR.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only after framing of charge, if not framed, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Saharsa in connection with Saur Bazar P.S. Case No. 332 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J)

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