

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17486 of 2025

Arising Out of PS. Case No.-515 Year-2024 Thana- BODHGAYA District- Gaya

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Dipu Kumar @ Dipu Kumar Son of Gauri Singh @ Gauri Shankar Singh
Resident of Village- Mahraur, Bhaluan, P.s.- Bodhgaya, Distt.- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bodhgaya P.S. Case No. 515 of 2024 registered for the alleged offences under Section 191(2), 190, 126(2),115(2), 132, 109 of the B.N.S.

03. As per prosecution case, a *sanaha* of missing mobile was registered in the police station by the informant and subsequently informant was told by the owner of the mobile phone that she had been getting call on the mobile number which was lost by the owner and a person has been demanding Rs.25,000/- for returning the mobile. The informant reached the place where the owner of the mobile was supposed to meet the persons who were demanding Rs.25,000/- for returning the mobile phone. Two



persons were found talking to the owner of the mobile phone. When the informant enquired about the missing mobile from the two persons who are the petitioners of this case, they called other persons there and assaulted the informant with *lathi*, *danda* and rod causing serious injuries to him. The assailants left the spot threatening the informant and others.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The entire story revolves around the missing mobile but no description of the mobile has been given. It is also not believable that the mobile owner has been getting calls. The mobile numbers mentioned in the FIR do not belong to this petitioner. Even in the informatory petition (*sanaha*) the details of the missing mobile has not been mentioned. It is also not believable that for missing mobile the person would demand Rs.25,000/-. Thus, the learned counsel submits that the prosecution story is false and frivolous. Learned counsel further submits that the true fact of the case is that the mobile owner Sona Devi has taken a loan of Rs. 5,000/- from the petitioner as they were in good relationship and the said person was also having good relation with the informant who used to visit her shop. As Sona Devi had not been returning the money, some hot discussion took place between her and the petitioner and



thereafter in order to teach a lesson to the petitioner, this false case has been lodged. From the facts of the case, no offences under Section 191(2), 190, 126(2), 115(2), 132, 109 of the B.N.S. is made out against the petitioner. Petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that there is specific allegation of assault against the petitioner. The injury is also on some vital parts. Learned counsel further submits that during investigation no tangible material came up against the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and also considering vague nature of allegation and further considering probability of false accusation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Gaya in connection with Bodhgaya P.S. Case No. 515 of 2024, subject to the condition laid down under Section 482(2) of the B.N.S.S. 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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