

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36493 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- RAGHOPUR District- Vaishali

Dharmendra Kumar Son of Nagendra Sahani Resident of Mohalla -
Nuruddinganj, P.S.- Malsalami, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.K. Lal, Sr. Adv.
Mr. Pramod Kumar, Adv.
For the State : Mr. Abhay Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-07-2025 Heard Mr. S.K. Lal, learned senior counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 324, 325, 307, 302, 504, 120B of the Indian
Penal Code.

3. The allegation in the first information report is that
while the informant had gone along with his son to catch fish in
the Ganga river, the accused persons being six in number and 6
to 7 unknown, assaulted one Pramod Mahto by means of sharp
cutting instruments, lathi and iron rod indiscriminately and he
was made to drown into the river. It is further alleged that the
informant and his two sons were also assaulted upon.



4. Learned counsel for the petitioner submits that it would be apparent from the allegations made in the first information report itself that there was a dispute with regard to catching of fish between persons of two localities. There is a general and omnibus allegation on six named and six unknown persons and no specific allegation has been attributed against the petitioner. It has also been pointed out that as against the allegation of indiscriminate assault upon the deceased by way of several weapons by 12 persons, the postmortem report shows that only one lacerated wound was found on the right parietal region of the skull and the cause of death was due to head injury due to physical assault. It is also a fact that there is no injury of any sharp cutting instrument and the postmortem report also does not indicate any case of drowning etc. It has thus been submitted that the death may have taken place on account of a dispute between the parties but in view of the nature of the dispute and the injury suffered, no intention to cause death can be imputed in this case. It has been pointed out that one other similarly situated co-accused person has already been granted the privilege of anticipatory bail vide order date 15.05.2025 passed in Cr. Misc. No. 2061 of 2025. The petitioner has no criminal antecedent and he undertakes to cooperate in the



investigation and trial.

5. Learned APP for the State, however, opposes the application for anticipatory bail.

6. Considering all the above mentioned facts and circumstances, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raghopur P.S. Case No. 173 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions that:

(I) One of the bailors will be a family member/close relative.

(II) The petitioner would appear before the investigating officer as and when required.

(Soni Shrivastava, J)

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