

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85848 of 2024

Arising Out of PS. Case No.-272 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Darshan Daha S/O Late Ramhare Daha Resident of Bahadurpur Patori P.S.-
Patori, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the State : Mr.Anant Kumar 1, APP
For the Informant : Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Patory P.S. Case No. 272 of 2024, registered for the offences under Sections 103(1), 126(2), 115(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution case, petitioner and other co-accused persons assaulted the husband of the informant causing fracture of his head and he was declared dead when taken to the Sub-Divisional Hospital, Patory.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of assault against the



petitioner. The specific allegation of assault on husband of the informant by means of iron rod is against co-accused Jitendra Kumar. It is evident from the FIR that the occurrence took place in the background of drainage of water and there could be no application of Section 103(1) of the Bhartiya Nyaya Sanhita against the petitioner, who is in custody since 11.07.2024. The similarly placed co-accused persons have been granted bail by this court vide order dated 03.10.2024 passed in Cr. Misc. No. 69734 of 2024. The petitioner is having clean antecedent. The charge sheet has been submitted.

5. Learned A.P.P. appearing for the State as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that petitioner and other co-accused persons brutally assaulted the husband of the informant, who succumbed to his injuries.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the specific allegation of assault against the co-accused and not against the petitioner and further considering the period of custody, submission of charge sheet and clean antecedent of the petitioner, he is directed to be released on bail, on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Samastipur/concerned court, in connection with Patory P.S. Case No. 272 of 2024, subject to the condition laid down under Section 437(3) 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 below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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