

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5831 of 2015

Arising Out of PS.Case No. -215 Year- 2014 Thana -KASBA District- PURNIA

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1. Gopal Swarnkar Son of Late Sokhi Lal Swarnkar
2. Vaijanti Devi wife of Shri Gopal Swarnkar
both resident of Durga Asthan Kasba, P.S. Kasba, District - Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-02-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered under Sections 147, 323, 353, 504, 224, 506, 448/34 of the Indian Penal Code.

The informant, a police officer, alleged that he went to the house of the petitioners to arrest petitioner no. 1 Gopal Swarnkar in connection with Kasba P.S. Case No. 55/2014. Gopal Swarnkar was arrested but thereafter his son and his wife began to abuse him. Sumit Swarnkar, the son of the petitioner no. 1, assaulted the police and thereafter the petitioner no. 1 fled away from the custody of the police.

Learned counsel for the petitioners submits that there is no allegation against the petitioner no. 2, who happens to be the wife of the petitioner no. 1. Petitioner no. 1 is also not alleged to

have assaulted the police.

On perusal of the record, it appears that the petitioner no. 1 exhorted and, on such, his son assaulted the police officer, who had arrested the petitioner no. 1. Hence, I am not inclined to enlarge the petitioner no. 1 on anticipatory bail. The same is rejected.

So far as the case of the petitioner no. 2, Vaijanti Devi, is concerned, considering the fact that she is a lady and there is no allegation of assault against her, the above named petitioner no. 2, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in Kasba P.S. Case No. 215/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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