

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14296 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -KAKO District- JEHANABAD

1. Kanti Devi wife of Sunil Ram
2. Sanni Kumar
3. Neeraj Kumar both sons of Sunil Ram
4. Guriya Kumari daughter of Sunil Ram
All residents of Ghatkan, P.S. Kako, District Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate.
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-06-2015 Heard both sides.

The petitioners, four in number, apprehend their arrest in a case under Section 307 and other sections of the Indian Penal Code.

Petitioner no. 1 Kanti Devi is alleged to have assaulted Chand Devi, petitioner no. 2 Sanni Kumar is alleged to have assaulted Munna Kumar (the informant) with rod on his head and petitioner no. 4 Guriya Kumari is alleged to have assaulted Sarita Kumari. Petitioner no. 3 Neeraj Kumar is not alleged to have assaulted any body. It is submitted that there is a counter version, being Kako P.S. Case No. 181/2014, and the accused of the aforesaid case have already been granted bail by the learned court below. Sunil Ram, who is alleged to have assaulted

Yugeshwar Bind (father of the informant) and Munna Kumar (the informant of the present case) has also been granted regular bail vide order passed in Cr. Misc. No. 3257/2015. It is also submitted that Petitioner nos. 1 and 4 are ladies.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that on account of the assault made by Sunni Kumar, Munna Kumar got grievous injury on his head as the frontal bone of the head of Munna Kumar was found to be fractured. The injury reports of Chand Devi and Sarita Kumari are mentioned in the case diary but the opinion with regard to the nature of injury is not annexed.

It appears that Kanti Devi (petitioner no. 1) and Guriya Kumari (petitioner no. 4) are alleged to have assaulted Chand Devi and Sarita Kumari and they, of course, got injuries but the injuries appear to be simple as no opinion with regard to the nature of injury is submitted even after lapse of more than eight months of the date of occurrence. Neeraj Kumar (petitioner no. 3) is not alleged to have assaulted anybody. There is a counter-version also.

Considering the facts aforesaid, petitioner no. 1 Kanti Devi, petitioner no. 3 Neeraj Kumar and petitioner no. 4

Guriya Kumari, in the event of their 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, are directed to be enlarged on bail on furnishing bail 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, Jehanabad in Kako P.S. Case No. 180/14, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 2 Sanni Kumar is concerned, he is alleged to have assaulted Munna Kumar with iron rod on his head and Munna Kumar got three injuries, out of which, one is found to be grievous in nature as the frontal bone of his head was found to be fractured, hence I am not inclined to enlarge the above named petitioner no. 2 on anticipatory bail in Kako P.S. Case No. 180/14. Accordingly, the same is rejected.

However, if the petitioner no. 2 surrenders in the learned court below, the court below shall consider the prayer for regular bail of the petitioner no. 2 taking into consideration the fact that the other accused persons including Sunil Ram has already been enlarged on regular bail.

(Prabhat Kumar Jha, J)

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