

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60551 of 2017

Arising Out of PS.Case No. -230 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Vivek Kumar, son of Late Raj Kishore Gupta.
 2. Sunita Devi, wife of Late Raj Kishore Gupta.
 3. Nisha alias Annu, daughter of Late Raj Kishore Gupta.
 4. Divya Kumari alias Madhu, daughter of Late Raj Kishore Gupta.
- All resident of Mohalla-Korwan Ki Saraia, Police Station-Malsalami,
District-Patna.

.... 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 RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Malsalami P.S. Case No.230 of 2017 registered under Sections
323, 341, 337, 307, 504, 506 and 379/34 of the Indian Penal Code.

The accusation is that on 09.09.2017, when the informant
Abhishek Kumar alias Raju Kumar alongwith his wife Jay
Nandani had gone to his parental house then saw that her step
mother Sunita Devi (petitioner no.2) had engaged carpenter for
doing the work in the house. Thereafter, the informant made
complaint that when the partition suit is going then what is



necessity of the repair of the house on which the petitioner no.2 started to abuse. In the meantime, the petitioner no.1, Vivek Kumar alias Guddu, petitioner nos.3 Nisha alias Annu and petitioner no.4 Divya Kumari alias Madhu, the step brother and sisters respectively, of the informant, came and started to cause assault. At that time, the petitioner no.1 Vivek Kumar gave the iron rod blow causing grievous injury on the head of the informant, due to which he became unconscious and he was rushed to the hospital for treatment.

Learned counsel for the petitioners submits that the petitioners are the step brother, step mother and step sisters of the informant and due to dispute of the partition of the land, the occurrence of “Maar-Peet” took place.

The order dated 21.11.2017 passed in A.B.P. No.5845 of 2017, whereby the prayer of the petitioners for grant of anticipatory bail has been rejected by the court of the Additional Sessions Judge-IV, Patna City, Patna, shows that the fracture injury on scalp bone of head of the informant was found, which is attributed to the petitioner no.1 Vivek Kumar.

Having considered the facts and the circumstances of the case, let the petitioner nos.2, 3 and 4, above named, in the event of their arrest or surrender by them within six weeks from today, be



enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Patna City, Patna, in connection with Malasalami P.S. Case No.230 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.1, namely, Vivek Kumar, is concerned, considering the nature of allegation against him, I am not inclined to grant anticipatory bail to him. Accordingly, the prayer of the petitioner no.1, namely, Vivek Kumar, for grant of anticipatory bail stands rejected. However, he is directed to surrender before the trial court and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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