

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60612 of 2017

Arising Out of PS.Case No. -192 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Sajan Kumar @ Sujan Kumar, Son of Nitai Burman,
 2. Anita Devi, wife of Nitai Burman,
 3. Nitai Burman, son of Late Ramesh Burman, All are resident of village-
Gidha, P.s. Fulwaria (Shripur O.P), District-Gopalganj.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

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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 Fulwaria P.S. Case no. 192 of 2017, registered under Sections 341, 323, 325, 307 and 504/34 of the Indian Penal Code.

The accusation is that in the evening of 27.09.2017, while informant Aarti Devi was sitting near her mother-in-law Shamla Devi at that time her brother-in-law Nitai Burman (Petitioner No.3) came and made enquiry to Shamla Devi about the land, which was sold by her in favour of the informant, then Shamla Devi replied that she has sold 10 katha of agricultural land and one katha for constructing the house to Arti Devi. Thereafter, Nitai Burman and his wife Anita Devi (Petitioner



No.2) caught hold the informant and started to abuse her, when informant made protest then petitioner No.1 Sajan Kumar, son of petitioner No.3, came with 'Musar' and caused injury at the head of the informant, when Gokur Burman, husband of the informant, rushed there to save her then he was also assaulted by him through Musar at his head.

Learned counsel for the petitioners submits that petitioners are nephew, sister-in-law and brother-in-law of the informant and occurrence of *Marpit* took place due to land dispute, but with ulterior motive the present case has been lodged after four days of the occurrence.

There is specific allegation against petitioner No.1 to cause injury to the informant and her husband, while three injuries as found on the person of the informant are simple in nature, but out of injuries found on the person of husband of the informant one was fracture on his forehead.

Having regard to the facts and circumstances of the case, let petitioner No.2 Anita Devi and petitioner No.3 Nitai Burman, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-XIII,



Gopalganj in connection with Fulwaria P.S. Case No. 192 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.1 Sajan Kumar @ Sujan Kumar is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to petitioner No.1 Sajan Kumar @ Sujan Kumar. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within six weeks and pray for regular bail, which would 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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