

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11912 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -GHOSBARI District- PATNA

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1. Ravi Kumar s/o Arjun Das
2. Shashi Kumar s/o Arjun Das
3. Indu Kumari D/o Arjun Das
4. Arjun Das s/o Late Ragho Das
5. Sushila Devi w/o Arjun Das Address - All are residents of Village Gosai Gaun, P.S. Ghoswari, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-04-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ghoswari P.S. Case No.36 of 2016 registered under Sections 341, 323, 325, 354(A), 307 and 379/34 of the Indian Penal Code.

The accusation is that, on 29.03.2016, at 7.00 A.M., when the informant Renu Devi reached near the latrine to attend the call of nature then she saw that petitioner nos.1 and 2, Ravi Kumar and Shashi Kumar breaking the back portion of latrine wall. She made protest then Ravi Kumar started to abuse her and put her down to the earth and tried to outrage her modesty. On



raising alarm, her husband Ajay Kumar came there and on seeing her husband, Ravi Kumar started to flee away and Shashi Kumar caused injury at her head whereas Ravi Kumar gave iron rod blow causing fracture injury on her right hand also snatched golden chain. At that time, Indu Kumari, Ravi Kumar and Shashi Kumar caused injury to Ajay Kumar and Fulchand Das, father and husband of the informant.

Learned counsel for the petitioners submits that while petitioner nos.3, 4 and 5, Indu Kumari, Arjun Das and Sushila Devi are named in the F.I.R. but no specific overt act has been attributed against them. Whereas petitioner no.1 and 2, Ravi Kumar and Sashi Kumar are said to be the assailant of the husband of the informant. Further submission is that due to land dispute occurrence of Marpit took place, in which, petitioner nos.1 and 2 have also sustained injuries, regarding which, Ghoswari P.S. Case No.32/16 is instituted, under Sections 34, 341, 323, ,307, 504 of I.P.C. against the informant's family members.

Having considered the facts and circumstances of the case, let petitioner nos. 3, 4 and 5, Indu Kumari, Arjun Das and Sushila Devi, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 Judicial Magistrate Ist Class, Barh, Patna, in connection with Ghoswari P.S.Case No.36/16, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 1 and 2, Ravi Kumar and Shashi Kumar, are concerned, having considered the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail to petitioner nos. 1 and 2. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1 and 2 are directed to surrender before the trial court within four 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)

AnilKrSinha/-

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