

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66182 of 2018

Arising Out of PS.Case No. -31 Year- 2018 Thana -PARSAUNI District- SITAMARHI

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1. Raushani Kumari, D/o of Raj Kumar Singh.
 2. Rubbi Devi, wife of Raj Kumar Singh. Both R/o Village-Balaha,P.S. Parsauni, Distt.-Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307, 379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 09.05.2018 at 5.30 P.M., the informant Uma Shankar Singh was working in his garden. In the meantime, all accused persons including the petitioners armed with *Iron rod* and *Khanti* came there, abused him and on the order of co-accused Raj Kumar Singh, co-accused Gaurav Kumar Singh inflicted *Iron rod* blow on his head and his brother Anjani Kumar Singh due to which, they sustained head



injuries and became unconscious. On hearing hulla, their family members came there and petitioner no. 1 Raushani Kumari and petitioner no. 2 Rubbi Devi, W/O Raj Kumar Singh gave Iron rod blow on the head of Sima Devi and Rubbi Devi, W/O Anjani Kumar Singh due to which they also sustained head injuries and became unconscious. They also assaulted his wife Sunita Kumari and snatched gold *Mangal Sutra* from her neck.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place in course of occurrence. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Parsauni P.S. Case No. 31 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

