

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60683 of 2017

Arising Out of PS.Case No. -188 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Satendra Bhagat, Son of Chandrika Bhagat,
 2. Puja Devi, Wife of Satendra Bhagat,
 3. Sarita Devi, Wife of Surendra Bhagat,
 4. Suman Kumari, Daughter of Birendra Bhagat,
 5. Geeta Devi, Wife of Birendra Bhagat, All are resident of Village Gosai Manjha, P.S.- Fulwariya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.60109 of 2017

Arising Out of PS.Case No. -188 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Chandrika Bhagat Son of late Puran Bhagat
 2. Birendra Bhagat Son of Chandrika Bhagat
 3. Chandan Bhagat Son of Birendra Bhagat
 4. Basudeo Sah @ Basdeo Sah Son of late Nagesar Sah
 5. Arbind Sah Son of Badeo Sah
 6. Sonamati Devi wife of Chandrika Bhagat All Resident of Village Gosai Manjha, P.S. Fulwaria, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

(In Cr.Misc. No.60683 of 2017)

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Tarun Prasad Mandal

(In Cr.Misc. No.60109 of 2017)

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2018 Heard the learned counsel for the petitioners and

learned APP for the State.



This is an application for grant of anticipatory bail in connection with Fulwaria P.S. Case No. 188 of 2017 registered under Sections 148, 149, 307, 323, 324, 325, 354A, 379, 504 and 506 of the Indian Penal Code.

Allegation against the petitioners of the aforesaid two cases is regarding assaulting the prosecution side resulting in grievous injury to as many as six persons.

The learned counsel for the petitioners submits that there is land dispute between the prosecution side and the accused persons and even the accused persons have received grievous injury. It is further submitted that as far as petitioner no. 6 of Criminal Misc. No. 60109 of 2017 and the petitioners no. 2 to 5 of Criminal Misc. No. 60683 of 2017 are concerned, they are lady members and there is a general and omnibus allegation against them.

The learned counsel for the informant submits that all the accused persons have inflicted grievous injury on the person of the prosecution side.

Having regard to the facts and circumstances of the case, I am of the considered view that the lady members who are the accused in the present case i.e. the petitioner no. 6 of Criminal Misc. No. 60109 of 2017 and the petitioners no. 2 to 5 of Criminal



Misc. No. 60683 of 2017 are concerned, they are entitled to privilege of anticipatory bail. However, the petitioners no. 1 to 5 of Criminal Misc. No. 60109 of 2017 and the petitioner no. 1 of Criminal Misc. No. 60683 of 2017 who are male accused persons and have been alleged to have inflicted grievous injury on the person of the prosecution side are not entitled to the privilege of anticipatory bail, hence their prayer for anticipatory bail is rejected.

Accordingly, I direct that the petitioner no. 6 of Criminal Misc. No. 60109 of 2017 and the petitioners no. 2 to 5 of Criminal Misc. No. 60683 of 2017 be enlarged on anticipatory bail, in the event of their arrest or surrender before the 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 learned Chief Judicial Magistrate, Gopalganj in connection with Fulwaria P.S. Case No. 188 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure.

(Mohit Kumar Shah, J)

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