

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57163 of 2018

Arising Out of PS.Case No. -31 Year- 2018 Thana -ROSHANGANJ District- GAYA

- =====
1. Sato Devi, Wife of Vikas Prajapat.
 2. Vikas Prajapat, Son of Kauleshar Prajapat @ Koleshwar Prajapat @ Koyleshar Prajapat. All are resident of Village - Hussainganj, P.S. - Roshanganj, District - Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhananjay Kumar Gupta, Advocate.
For the Opposite Party : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-09-2018 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 147, 148, 149, 457, 323,
307, 354 and 302 of the IPC.

The prosecution story, in brief, is that on 06.03.2018
at about 10.00 P.M., accused persons including the petitioners who
are the own *Gotiya* of the informant entered into his house and
they assaulted the informant's husband and when the informant
raised alarm, she was also assaulted. It is further alleged the
informant's husband was thrashed on the *Chowki* and then accused
Pradeep Prajapat gave 3-4 knife blows on his head by which he



became senseless.

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 petitioner no. 1 is a lady. General and omnibus allegation has been made against the petitioners. No overt act has been alleged against the petitioners nor there is specific injury has been attributed against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Petitioner no. 2 is said to have participated in the alleged occurrence.

Considering the fact that the petitioner no. is a lady, let the petitioner no. 1 Sato Devi, 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 S.D.J.M. Sherghati, Gaya, in connection with Raushanganj (Banke Bazar) P.S. Case No. 31/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner no. 2 Vikas Prajapat is concerned, his prayer for anticipatory bail is rejected in connection with



Raushanganj (Banke Bazar) P.S. Case No. 31/18, pending in the court of learned S.D.J.M. Sherghati, Gaya.

Anyhow, if the petitioner no. 2 Vikas Prajapat surrenders and prays for regular bail in the learned court below, the same shall be considered and disposed of by the learned court below on its own merit without being prejudiced by this order of the Court.

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(Sudhir Singh, J)

