

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.69709 of 2018**

Arising Out of PS. Case No.-3 Year-2018 Thana- PARSA District- Saran

- 
1. Sri Bhagwan Singh, Son of Late Mahatm Singh,
  2. Sudama Devi, Wife of Sri Bhagwan Singh, Both are resident of Village- Baligaon, Tole Balaha, Police Station- Parsa, District Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Srivastva

For the Opposite Party/s : Mr. Smt. Asha Kumari

---

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      03-12-2018

Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504 and 354/34 of the IPC.

The prosecution case, as per the fardbeyan of Uma Devi recorded on 27.12.2017, by Suresh Kumar Yadav, being the S.I. of Police at emergency ward of PMCH is to the effect that the petitioners in intoxicant condition came and started abusing the informant and on protest being made, petitioners assaulted the informant, as a result, she got injured.

It is submitted by learned counsel for the petitioners that petitioner no.1 is the younger brother of the husband of the informant and petitioner no.2 is the wife of petitioner no.1. It is



further submitted that in the background of land dispute, the accusation has been levelled against the petitioner, but no case under Excise Act has been registered. For the occurrence of 24.12.2017, the fardbeyan was recorded on 08.01.2018 and the FIR was registered on the same day. The informant has retracted from her initial version and filed a petition to that effect before the learned Court below, but the learned Sessions Judge declined to consider the prayer for anticipatory bail of the petitioners since petitioners' prayer for bail was earlier rejected. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners.

Considering the delayed lodging of the FIR, the accusation being not corroborated by medical report, since it was not produced before the learned Sessions Judge and the retracted version of the informant coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten



thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-13, Saran at Chapra in connection with Parsa P.S. Case No. 3 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

