

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22477 of 2019

Arising Out of PS. Case No.-586 Year-2018 Thana- KHAGARIA District- Khagaria

1. Phulo Devi, W/o Bibhishan Mahton, Resident of Village-Mathurapur, Ward No.04, P.S.-Khagaria, District-Khagaria
2. Dharambeer Kumar, S/o Bibhisan Mahton, Resident of Village-Mathurapur, Ward No.04, P.S.-Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Pankaj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2019 Heard learned Counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 504, 506, 324, 307, 325, 448, 427 and 379/34 of the Indian Penal Code.

The prosecution case as per the written report of Vijay Singh submitted to SHO, Khagaria Police Station is to the effect



that on 29.08.2018 at 7.00 A.M., when the informant along with his family members was fencing his land with bamboo, in the meantime, co-accused Vibhishan Mahto, Prem Kumar and petitioner no.1, Phulo Devi came variously armed with khanti, grasa and iron rod, thereafter, the co-accused Prem Kumar assaulted with Khanti near the eye of the informant and co-accused Vibhishan Mahto assaulted the brother of the informant with garasa. Thereafter, all the accused persons including the petitioner no.1 entered into the house of the informant and petitioner no.1, Phulo Devi assaulted the mother of the informant with iron rod, causing fracture injury on her right arm and co-accused Vibhishan Mahto assaulted his son with garasa. It is further alleged that co-accused Vibhishan Mahto took away Rs.5,000/- from the pocket of the informant and co-accused Phulo Devi took away ear-rings of the mother of the informant. It is further alleged that petitioner no.2, Dharmabeer Kumar was talking on mobile phone and directing the accused persons to kill the informant.

It is submitted by learned counsel for the petitioners that the informant is brother of the petitioner no.1, Phulo Devi and in the background of land dispute, the accusation has been levelled against the petitioners. It is further submitted that there



is no accusation of repeating the blow and there is also no specific accusation of assault against petitioner no.2. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the petitioner no.1 caused grievous injury to the mother of the informant.

Considering the fact that though petitioner no.1 caused grievous injury to the mother of the informant, but there is no accusation of repeating the blow and petitioner no.1 being a lady, so far as petitioner no.2 is concerned, there is no specific accusation of assault against him, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned **CJM, Khagaria** in connection with **Khagaria P.S. Case No.586 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the bail bond of petitioner no.1 shall be



accepted by the learned Court below on deposit on Rs.5,000/-
before the learned Court below, which will be released in favour
of the informant.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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