

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44836 of 2019

Arising Out of PS. Case No.-163 Year-2018 Thana- SANHAULA District- Bhagalpur

1. Nirmala Devi @ Chagli Devi, Aged about 52 years, Female, Wife of Ramotar Hari @ Ramotar Harijan, D/o- Lelhu Harijan, Resident of Village - Gopalpatti Falka, P.S.- Falka, District- Katihar, At present Resident of Village - Mahiyama, P.S.- Sanhaula, District- Bhagalpur
2. Sanjeev Harijan @ Paddu @ Sandeep Harijan, Aged about 31 years, Male, Son of Ramotar Hari @ Ramotar Harijan Resident of Village - Gopalpatti Falka, P.S.- Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-07-2019 Heard both sides.

Petitioners apprehend their arrest in Sanhaula P.S.
Case No.163 of 2018, registered under Section 307 and other
sections of the Indian Penal Code.

The informant named the petitioners along with
Sindhu Harijan and alleged that Sindhu Harijan assaulted him
on his head with *dabiya*, a sharp edged weapon. When
Maheshwari Devi came to save, Sindhu Harijan and Sanjeev @
Paddu, petitioner no.2 also assaulted her. When the son of
Maheshwari Devi came, the accused persons also assaulted him
with sharp edged weapon.



Learned counsel for the petitioners submits that there is no specific allegation of assault against petitioner no.1, Nirmala Devi. The allegation of assault with sharp edged weapon is made against Sindhu Harijan and Sanjeev @ Paddu, petitioner no.2 but the injury as mentioned by the learned Sessions Judge in his order shows that the informant, Maheshwari Devi and son of Maheshwari Devi got incised wound and the injuries are simple in nature.

Having considered the fact that there is no specific allegation of assault against Nirmala Devi @ Chagli Devi, petitioner no.1, let petitioner no.1, namely, Nirmala Devi @ Chagli Devi, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Sanhaura P.S. Case No.163 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the case of petitioner no.2, Sanjeev Harijan @ Paddu @ Sandeep Harijan is concerned, he is alleged to have assaulted Maheshwari Devi and her son along with Sindhu Harijan and wounds were found on head and other parts of the



body of the informant, Maheshwari Devi and her son. Petitioner No.2 gave repeated blow with sharp edged weapon on different parts of the body of Maheshwari Devi and Kundan.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.2, namely, Sanjeev Harijan @ Paddu @ Sandeep Harijan is rejected.

(Prabhat Kumar Jha, J)

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