

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42747 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. CHHATHIYA DEVI Wife of Late Nand Kishore Sah
2. Rajan Sah Son of Late Nand Kishore Sah
Both resident of Village- Mishrabatraha, P.S.- Phulwaria, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-07-2019 The petitioners apprehend their arrest in connection with Phulwaria P.S.Case No. 71 of 2019 registered under Sections 307,323,324 and 341/34 of the Indian Penal Code.

Allegation against the petitioners, as per FIR, is that petitioners along with other co-accused persons assaulted the informant variously by *lathi*, *danda* and *Garasa* causing injuries to them.

Learned counsel for the petitioners submits that allegation against the petitioners is general and omnibus in nature and there is case and counter case in between the parties for the same incident inasmuch as petitioner no. 1 has also lodged Phulwaria P.S.Case No. No. 72 of 2019 against the prosecution side under Sections 307,323,324 and 341/34 of the Indian Penal Code. He submits that parties are related to each others and are neighbours



and there was a dispute pertaining to passage between them. He further submits that injuries caused to the informant is simple in nature caused by hard and blunt substance whereas the allegation of assault is by *Garasa*. Learned counsel accordingly submits that medical evidence does not corroborate the allegation of assault made in the FIR.

After having heard learned counsel for the parties and taking into consideration the fact that there is case and counter case in between the parties and injury caused to the informant is simple in nature and further petitioner no. 1 is a lady of aged about 59 years, as such I am inclined to grant anticipatory bail to the petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Gopalganj in connection with Phulwaria P.S. Case No. 71 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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