

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81657 of 2019**

Arising Out of PS. Case No.-1026 Year-2019 Thana- NAWADA District- Nawada

1. MUNNI CHAUHAN @ MUNNILAL CHAUHAN Son of Dashai Chauhan @ Dasrath Chauhan Resident of Village - Balchand Bihga, P.S.- Town (Kadirganj O.P.), Distt - Nawada.
2. Sonma Devi @ Sona Devi Wife of Munni Chauhan @ Munnilal Chauhan Resident of Village - Balchand Bihga, P.S.- Town (Kadirganj O.P.), Distt - Nawada.
3. Sumitri Kumari D/o Munni Chauhan @ Munnilal Chauhan Resident of Village - Balchand Bihga, P.S.- Town (Kadirganj O.P.), Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      11-12-2019                      Heard learned counsel for the petitioners and learned  
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Town (Kadirganj) P.S. Case No. 1026 of 2019 registered for the offence punishable under sections 341, 323, 504, 506, 354, 379 and 308 of the Indian Penal Code.

As per allegation made in the F.I.R., the accused persons are stated to have assaulted the informant and other family members.

It is submitted by learned counsel for the petitioners



that out of three petitioners, petitioner nos. 2 and 3 are ladies and the role assigned to them in the FIR are highly exaggerated. It is further submitted that even if the allegations are taken at their face value, practically no overt act is alleged against petitioner no. 3 while overt act alleged as against petitioner no. 2 lead to simple injury caused to the informant. With respect to petitioner no. 1, it is submitted that occurrence is said to have taken place over a trivial issue on taking water from the government tap.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation alleged against petitioner nos. 2 and 3, the injury report which have been brought on record and the fact of their being ladies as also not having any criminal antecedent, this court is inclined to grant anticipatory bail to petitioner nos. 2 and 3. Both petitioner no. 2 and 3 are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they will 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 learned Chief Judicial



Magistrate, Nawada in connection with Town (Kadirganj O.P.)  
P.S. Case No. 1026 of 2019, subject to the condition as laid  
down under section 438(2) of the Cr.P.C.

So far as petitioner no. 1 is concerned, considering the  
nature of allegation against him together with the injury report,  
which has been brought on record as Annexure-3 series to this  
application, the Court is not inclined to grant anticipatory bail to  
petitioner no. 1 and, as such, his application for bail is rejected.

However, if the petitioner no. 1 surrenders within a  
period of six weeks and prays for bail, the same shall be  
considered by the court below, without being prejudiced by this  
order of rejection.

**(Partha Sarthy, J)**

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