

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.476 of 2020

Arising Out of PS. Case No.-603 Year-2019 Thana- HILSA District- Nalanda

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1. Birendra Prasad Singh @ Birendra Prasad @ Mishi Chand @ Nishichandra Son of Late Ramkishun Prasad
 2. Kumar Kartike @ Tittu @ Tutu @ Kumar Kartikey Son of Birendra Prasad Singh @ Birendra Prasad @ Mishi Chand @ Nishichandra

Both are resident of Village - Atramchak, P.S.- Ekangarsarai, Distt.- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Hilsa P.S. Case No. 603 of 2019 registered for the offences punishable under Sections 307/34, 341, 323, 504, 379, 506 of the Indian Penal Code.

Petitioner no. 1 is father in law whereas petitioner no. 2 is husband of the informant and the accusation against them is that they along with other accused assaulted the informant by means of danda and iron rod when she had gone to depose in a case registered against the petitioners and others for



the offences punishable under Sections 341, 323, 354, 379, 498 A, 504/34 of the I.P.C. and $\frac{3}{4}$ of D.P. Act.

Submission on behalf of the petitioners is that earlier the informant lodged Ekangarsarai P.S. Case No. 256 of 2018 against the petitioners and others and when petitioners and others got bail in the aforesaid case, the informant lodged this false case against the petitioners and others with ulterior motive. He further submits that informant gave a petition to Sub-divisional Judicial Magistrate, Hilsa, Nalanda in G.R. No. 2367 of 2018 on the day of alleged occurrence and in the aforesaid petition, she stated that it were Rahul Kumar @ Chhotu and petitioner no. 2 who assaulted her and so far as petitioner no. 1 is concerned, she has not levelled allegation of assault against the petitioner no. 1 but when she lodged the present case, she made allegation against petitioner no. 1. He further submits that co-accused Rahul Kumar @ Chhotu has already been granted privilege of anticipatory bail by the learned court below vide order dated 09.12.2019 and the case of these petitioners are on better footing to that of co-accused Rahul Kumar @ Chhotu.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that informant is said to have sustained two injuries one on



her head and another on her back but both the aforesaid injuries are simple in nature caused by hard and blunt substance, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in Hilsa P.S. Case No. 603 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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