

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17435 of 2020**

1. Puja Devi wife of Chaurashi Das
2. Tetari Devi wife of Mantu Das
3. Santan Kumar son of Chhathu Das
4. Chhathu Das son of Late Banarsi Das
5. Kabo Devi @ Dado Devi wife of Chhathu Das
all R/o village- Satjouri P.S.- Goradih, District- Bhagalpur
... .. Petitioners

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Ms. Dr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Jagdishpur (Goradih) P.S. Case No. 354 of 2019 registered for the offences punishable under Section 323, 341, 307, 447, 354A, 504, 506/34/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is a case and counter case between the parties. Both the parties seem to have indulged in a free fight. It is his further submission that the allegations in the First Information Report are general and omnibus kind and save and except Section 307 IPC all other Sections in which the case has been lodged are bailable. It is further submitted that the FIR has been lodged after four days of the alleged occurrence and all the injuries are said to be simple in nature except injury of Huma Devi which has been kept reserved till X-Ray report.



Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that in the First Information Report there is specific allegation against Santan Kumar (petitioner no. 3) of assaulting the informant. There is also a specific allegation of causing assault on the head of the son of the informant namely Meghu Das and this allegation is against the co-accused Chhathu Das (petitioner no. 4) and his wife. It is submitted that since in the impugned order the learned Sessions Judge has recorded the nature of injury found on the head of injured Meghu Das and Huma Devi, the accused against whom there are specific allegations do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case wherein this Court has noticed in the impugned order that Meghu Das has sustained two lacerated wounds over anterior and posterior part of vertex and the allegation of assaulting him has been specifically attributed to petitioner no. 4, I am not inclined to grant privilege of anticipatory bail to petitioner no. 4 (Chhathu Das). His prayer for pre-arrest bail is thus, refused.

So far as allegations against Santan Kumar (petitioner no. 3) is concerned, he is said to have assaulted the informant but the assault is not on the vital part of the body and it is said to be on the left elbow, considering that he had not assaulted on any vital part of the body and further that the allegations against petitioner no. 1, 2 and 5 who are all female members of the family are either general



and omnibus or in the nature of superimposition with the aid of Section 34 IPC, let in case of their arrest or surrender the petitioner nos. 1, 2, 3 and 5 within a period of six weeks from today in connection with Jagdishpur (Goradih) P.S. Case No. 354 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

The application is partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

