

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27397 of 2020

Arising Out of PS. Case No.-381 Year-2019 Thana- PAHARPUR District- East Champaran

1. RINKU DEVI Wife of AShok Pandit @ AShok Parit Resident of Village - Ibrahimpur, Bazar Tola, P.S. - Paharpur, District - East Champaran.
2. Ashok Pandit @ Ashok Parit Son of Bagad Pandit Resident of Village - Ibrahimpur, Bazar Tola, P.S. - Paharpur, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Sanjay Kumar No. 7, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-11-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Bharat Lal, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsels for the petitioner and the learned Counsel for the State as also the learned Counsel appearing for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.



Petitioners apprehend arrest in Paharpur PS Case No. 381 of 2019 registered under Sections 341, 323, 324, 308, 504, 506 and 34 of the IPC.

The allegation is that the accused persons have tried to install a hand-pump on the disputed land and on objection by the informant side they have indiscriminately assaulted the informant and her family member.

Learned Counsel for the petitioners submits that specific allegation against petitioner No. 1 is of assaulting by stick on back of Ramawati Devi. The injury report of Ramawati Devi does not find any injury on her back. Petitioner No. 1 is a female and by virtue of being member of the family has been dragged in this litigation on extraneous consideration.

In so far as petitioner No. 2 is concerned it is submitted that the medical report does not corroborate allegation of assault by rod on head as sharp cutting injury has been found on the head. It is also submitted that the implication of petitioner No. 2 is also false.

Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that at least in so far as petitioner No. 2 is concerned, the assault on head is corroborated by the injury on head though nature of injury is disputed by the petitioners.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to petitioner No. 1 namely Rinku Devi.

Accordingly, let petitioner No. 1 Rinku Devi, above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM East Champaran at Motihari in Paharpur PS Case No. 381 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

The prayer for anticipatory bail of petitioner No. 2 namely Ashok Pandit @ Ashok Parit is rejected.

(Madhuresh Prasad, J)

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