

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28571 of 2020**

Arising Out of PS. Case No.-87 Year-2020 Thana- MADHAURAH District- Saran

1. Manju Devi Wife of Vishwanath Prasad @ Vishwanath Singh @ Hema Singh Resident of Village- Gaura, P.S.- Marhaura (Gaura O.P.), District- Saran.
2. Kangres Kumar Son of Vishwanath Prasad @ Vishwanath Singh @ Hema Singh Resident of Village- Gaura, P.S.- Marhaura (Gaura O.P.), District- Saran.
3. Dileep Kumar Son of Vishwanath Prasad @ Vishwanath Singh @ Hema Singh Resident of Village- Gaura, P.S.- Marhaura (Gaura O.P.), District- Saran.
4. Vishwanath Prasad @ Vishwanath Singh @ Hema Singh Son of Late Rupa Singh Resident of Village- Gaura, P.S.- Marhaura (Gaura O.P.), District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harshvardhan Shivsundaram,Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

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

2 05-12-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms. Sharda Kumari, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Marhaura (Gaura O.P.) P.S Case No. 87 of 2020 registered for the offences punishable under Sections 341, 323, 324, 379, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the



First Information Report (Annexure '1') it would appear that there are general and omnibus kind of allegations against all the 6 named accused persons. The informant alleged that he was assaulted by all the accused who were lashed with lathi/danda, farsa and iron rod but who was having what in his hand and who had assaulted the informant causing injury to him is not specific. Similarly the allegation that Manorama Devi was also assaulted by iron rod is not specifically alleged against any of the petitioners.

Learned counsel then submits that with regard to the same occurrence petitioner no. 1 has lodged FIR while getting herself treated in Sadar Hospital, Chapra on the same day. She has alleged that 8 named accused had come to the house of petitioner no. 1 and started assaulting her. Dileep Kumar who is petitioner no. 3 in this case and Hema Singh @ Vishwanath Prasad intervened whereupon they were also assaulted causing fracture of hand of Hema Singh @ Vishwanath Prasad (petitioner no. 4).

Learned counsel has taken this Court through the injury reports available at Annexure '3' series and Annexure '4' series. Learned counsel submits that the informant has suffered only one injury on his head which is not specifically alleged against any of the petitioners. Manorama Devi suffered one lacerated wound on the parietal region of scalp and pain and swelling on left side of waist both the injuries are simple in nature. As against this learned counsel has shown to this Court that from the petitioners' side Hema Singh @



Vishwanath Prasad (petitioner no. 4) has suffered grievous injury in form of multiple fracture of left radius and ulna. Petitioner no. 1 has suffered deep cut of left thumb and swelling of scalp which has been caused by hard and sharp object and petitioner no. 3 has also suffered injury on his whole body and these are evident from the injury reports.

Learned counsel, therefore, submits that in the nature of the general and omnibus kind of allegations and apparent injury of at least three of the petitioners as also that these petitioners and the informant's side are close agnates and next door neighbours, they are otherwise not having any criminal antecedent, this Court may consider privilege of anticipatory bail to the petitioners.

On the other hand, learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case where both the parties seem to have entered into a scuffle and petitioner nos. 1, 3 and 4 have suffered injury whereas the informant has suffered one injury which is not specifically attributed to any of the petitioners, in the nature of the dispute and the fact that the petitioners have no criminal antecedent, let in case of their arrest or surrender the petitioners above named within a period of four weeks from today in connection with Marhaura (Gaura O.P.) P.S Case No. 87 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application stands 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'.

