

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25219 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- KHANPURA District- Samastipur

1. Nibha Devi, Wife of Pankaj Ray,
 2. Shankar Ray @ Shankar Kumar Ray S/o Lakshmi Ray
 3. Pankaj Ray S/o Lakshmi Ray
 4. Bimal Devi @ Bimla Devi @ Vimala Devi, W/o Lakshmi Ray
- All are resident of Village-Samana, P.S.-Khanpur, District-Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Kumar Praveen, Advocate
For the Opposite Party : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-11-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

2. The petitioners seek pre-arrest bail in connection with Khanpur P.S. Case No.31 of 2020 registered under Sections 307, 323, 341, 379, 447 and 504 read with 34 of the Indian Penal Code.

3. It is submitted by learned counsel appearing for the petitioners that the petitioners are agnate of members of the prosecution party. On a very petty issue, a scuffle had taken place in which both sides sustained injuries. The main allegation of causing injury upon the informant Mamta Devi is against



Lakshmi Rai and not against the petitioners. He further contended that as far as the allegation of snatching gold earrings and *Mangalsutra* is concerned, the same is a super-addition in order to make the offence grave.

4. Learned Additional Public Prosecutor appearing for the State has opposed the application for grant of pre-arrest bail to the petitioners. He submitted that the complaint case filed on behalf of the petitioners cannot be termed to be a counter case. He further contended that the complaint case filed by the petitioners is merely a ploy to save their own skin from prosecution in the instant case. He also contended that though there is specific allegation of assault with iron rod upon the head of the informant against Lakshmi Rai, all the petitioners have actively participated in commission of the offence.

5. Considering that the main allegation of assault with iron rod is against Lakshmi Rai and that the petitioners have made categorical statement in para 3 of the application that they have no criminal antecedent, they are directed to be released on bail, in the event of their arrest or surrender, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Samastipur in connection with Khanpur P.S. Case No.31 of



2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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