

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61653 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

1. ARBIND SHAH S/o Bhagwan Shah R/o village- Karmnasha, P.S.- Durgawati, District- Kaimur (Bhabua)
2. Anil Shah S/o Bhagwan Shah R/o village- Karmnasha, P.S.- Durgawati, District- Kaimur (Bhabua)
3. Pinki Raj D/o Bhagwan Shah R/o village- Karmnasha, P.S.- Durgawati, District- Kaimur (Bhabua)
4. Usha Devi W/o Bhagwan Shah R/o village- Karmnasha, P.S.- Durgawati, District- Kaimur (Bhabua)
5. Ravi Sah @ Ravi Sao S/o Late Jawala Prasad R/o village- Karmnasha, P.S.- Durgawati, District- Kaimur (Bhabua)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Choubey
For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Durgawati P.S. Case No.147 of 2019, registered for the offence punishable under sections 147, 148, 314, 342, 323, 307, 452, 379, 354B and 34 of the Indian Penal Code.

As per allegation in the F.I.R., the accused persons including the petitioners herein are said to have assaulted the



informant and his family members, as a result of which, they sustained injuries. It is stated that the accused persons entered in the house and assaulted the informant to the extent that he fell down unconscious and thinking her to have died, they went away taking ornaments worth Rs. 15,000/-. She stated that she went to the government hospital on the occurrence day but as she did not get treatment, she had to get herself treated in a private hospital. She further states that litigation is going on between the parties and inspite of several injuries the case was not registered at the police station and hence the Complaint.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are general and omnibus in nature and there is admitted land dispute between the parties, which would be evident from Annexure-1 itself. There is case and counter case between the parties with respect to the same occurrence and while for an occurrence of 22.04.2019, while the F.I.R. was lodged by the petitioner no.4 on 22.04.2019 itself, to set up a defence for herself the Complaint was filed on 25.04.2019 and thereafter on the reference to the police station, the F.I.R. as contained in Annexure-1 was registered on 31.05.2019. It is further submitted that the injuries have been opined to be simple in



nature.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above together with there being case and counter case between the parties and the nature of injuries, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Durgawati P.S. Case No.147 of 2019, they will be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabua subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J.)

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