

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86328 of 2019

Arising Out of PS. Case No.-33 Year-2017 Thana- KISHUNPUR District- Supaul

1. SUMAN KUMAR DEO Son of Jitendra Prasad Devi Resident of Village - Tharbitta, P.S.- Kishanpur, Distt - Supaul.
2. Ram Subhak Deo Son of Suresh Lal Deo Resident of Village - Tharbitta, P.S.- Kishanpur, Distt - Supaul.
3. Vindeshwari Sah Son of Vashudeo Sah Resident of Village - Tharbitta, P.S.- Kishanpur, Distt - Supaul.
4. Mithu Devi @ Amisha Bharti Son of Sanjay Kumar Deo Resident of Village - Tharbitta, P.S.- Kishanpur, Distt - Supaul.
5. Premika Devi Wife of Raghunath Deo Resident of Village - Tharbitta, P.S.- Kishanpur, Distt - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kishanpur Police Station Case No. 33 of 2017, disclosing offences under Sections 147, 149, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with other accused persons, assaulted the informant, his wife and the daughter of the informant. The



allegation against the petitioner no. 1 is that he assaulted the daughter of the informant on her face and petitioner no. 2 has assaulted the wife of the informant by means of lethal weapons. There is no specific allegation against petitioner nos. 3, 4 and 5 and altogether 13 persons have been named in the First Information Report.

Learned Counsel for the petitioners submits that both the parties are neighbours. There was a dispute between the parties on a trivial issue of keeping heap of trees in front of the house of the informant. There is case and counter case between the parties inasmuch as Kishanpur Police Station Case No. 34 of 2017 has been lodged by the side of the petitioners for the same incident. He, relying upon Annexure-3, submits that the police, after completion of investigation, did not submit charge sheet under Section 307 of the Indian Penal Code against the petitioners and others. He further submits that the learned Court below has, however, differed with the police report and has taken cognizance under Section 307 of the Indian Penal Code also, by order dated 04.04.2019.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, there is case and counter case between



the parties and the police, after investigation, did not submit charge sheet under Section 307 of the Indian Penal Code against the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Supaul, in connection with Kishanpur Police Station Case No. 33 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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