

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86312 of 2019

Arising Out of PS. Case No.-155 Year-2019 Thana- SISWAN District- Siwan

1. SHEOJI BHARTI, Son of Ram Balak Bharti
2. Thakur Bharti, Son of Ram Balak Bharti
3. Sanjay Bharti, Son of Kanhaiya Bharti
4. Narendra Bharti, Son of Sheoji Bharti
5. Mantu Bharti @ Rohit Kumar Bharti, Son of Ramashankar Bharti
6. Bhim Bharti, Son of Thakur Bharti
7. Bajrang Bharti @ Bajrang Bharti, Son of Thakur Bharti, All Resident of Village - Mubarakpur Ke Mathian, P.O. - Chainpur, P.S. - O.P. Chainpur (Siswan), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Prabhakar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-02-2020 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Siswan (Chainpur O.P.) Police Station Case No. 155 of
2019, disclosing offences under Sections
341/323/307/354/504/506/34 of the Indian Penal Code.

The allegation against the petitioners is that the
petitioners along with other co-accused persons assaulted the
informant and his wife. It has further been alleged that Mantu



Bharati, petitioner no. 5 assaulted the wife of the informant by means of danda and the petitioner no. 4 tried to outrage the modesty of the wife of the informant.

Learned Senior Counsel appearing on behalf of the petitioners submits that both the parties are co-sharers and there is a case and counter case between the parties inasmuch as Siswan (Chainpur O.P.) Police Station Case No. 155 of 2019 has been lodged by the side of the petitioners.

Learned counsel further submits that the allegation of assault is upon co-accused petitioner no. 5 to the wife of the informant and referring to Annexure-3 series. Learned Senior Counsel submits that from the perusal of the injury report of Nitu Devi, the wife of the informant, it would be evident that the injury caused to her was found to be simple in nature and injury no. 2 was kept reserved which was not on the vital part of the body. Learned Counsel further submits that the allegation against other petitioners is general and omnibus in nature.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharers and there is case and counter case between them. Injury upon the wife of the informant is simple in nature, 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 bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan (Chainpur O.P.) Police Station Case No.155 of 2019, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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