

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3240 of 2020

Arising Out of PS. Case No.-962 Year-2019 Thana- MADHEPURA District- Madhepura

1. MASOMAT LEELA DEVI W/O Late Hareram Mishra Resident of Village - Sukhasan, P.S. Madhepura, District - Madhepura.
2. Vishnu Kumar S/O Pappu Mishra Resident of Village - Sukhasan, P.S. Madhepura, District - Madhepura.
3. Sangita Devi @ Nuniya Devi W/O- Pappu Mishra Resident of Village - Sukhasan, P.S. Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhan Chandra Jha, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 03-11-2021 Heard Learned Counsel for the Petitioners as well as
Ld. Counsel for the State.

The petitioners apprehend arrest in connection with Madhepura P.S. Case no. 962 of 2019 registered for the offences punishable under Sections- 143, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

As per prosecution case on 14.11.2019 at about 3 P.M. when father of the informant was feeding his cow at the door, the petitioners along with other accused persons armed with *Lathi, Farsa*, iron rod and pieces of bamboo came and started abusing. On being protested by the father of the informant, co-



accused Pappu Mishra ordered to kill. Thereafter, petitioner no. 2, Vishnu Kumar, assaulted the informant causing injury on his head. Co-accused Manish Mishra also caused injury on his head. Other accused persons also assaulted the informant and his father.

In respect of causing injury for the offence under Section 307 of the Indian Penal Code, petitioner nos. 1 and 3 are not responsible. Petitioner no. 2 stated to have caused injury on the victim. Opinion of the Doctor Bipin Kumar Gupta, Medical Officer, Sadar Hospital, Madhepura reads as under:

1. Lacerated wound 1"x1/4" skin deep on left side forehead bleed wound caused by hard blunt substance.
2. Lacerated wound 1/2" x 1/4" skin deep on left side forehead below above one bleeding wound.

Opinion:- for both injury x-ray skull and x-ray plate no. 64455 dated 15.11.2019 at S.H., Madhepura shows and so opinion of injury 14.132, both are simple.

In the light of the fact that injury caused on the vital part of the body i.e. on the skull, petitioner no. 2 is not entitled to anticipatory bail. Accordingly, prayer for anticipatory bail of petitioner no. 2, namely, Vishnu Kumar, is hereby rejected.

So far as petitioner no. 1, namely, Masomat Leela



Devi, and petitioner no. 3, namely, Sangita Devi @ Nuniya Devi are concerned, having regard to the alleged allegation and it is bailable offence, they are entitled to anticipatory bail.

Accordingly, petitioner nos. 1 and 3 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 the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 962 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with following conditions:

(I) that one of the bailors shall be a close relative of the petitioners,

(II) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

(P. B. Bajanthri, J)

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