

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30129 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- DURAULI District- Siwan

1. Niraj Kumar Kushwaha @ Niraj Kumar, S/o Parmanand Bhagat, R/o Vill.-Belaon, P.S.-Darauli, Distt.-Siwan.
2. Vandna Kumari, D/o Parmanand Bhagat, R/o Vill.-Belaon, P.S.-Darauli, Distt.-Siwan.
3. Nilam Kumari, D/o Parmanand Bhagat, R/o Vill.-Belaon, P.S.-Darauli, Distt.-Siwan.
4. Sheshnath Bhagat, S/o Late Ramprit Bhagat, R/o Vill.-Belaon, P.S.-Darauli, Distt.-Siwan.
5. Archana Kumari, D/o Parmanand Bhagat, R/o Vill.-Belaon, P.S.-Darauli, Distt.-Siwan.
6. Soni Devi, W/o Parmanand Bhagat, R/o Vill.-Belaon, P.S.-Darauli, Distt.-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                     |   |                                                                                                      |
|---------------------|---|------------------------------------------------------------------------------------------------------|
| For the Petitioners | : | Mr S.Azeem, Advocate with<br>Messrs Akshay Lal Pandit, Arvind Kumar,<br>Ajay Kumar Tiwary, Advocates |
| For the S t a t e   | : | Mr. Tapeswar Sharma, APP                                                                             |
| For the Informant   | : | Mr. Ranjay Kumar Singh, Advocate                                                                     |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      27-01-2021                      Heard learned counsel for the petitioners and the learned counsel for the informant as well as the learned APP for the State.

The petitioners are apprehending their arrest in connection with Darauli P.S. Case No.93 of 2020 registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.



While the informant along with her sons was unloading soil in her orchard, co-accused Parmanand Bhagat and other persons, including the petitioners, have come to the place variously armed and assaulted the informant and her sons.

It is submitted by the petitioner's counsel that the specific first assault is attributed against co-accused Parmanand Bhagat. Thereafter, allegation is omnibus in relation to all other accused, including the petitioners. The petitioner and the prosecution party are agnates. Petitioners' side has also lodged a counter case in respect of the occurrence as it is, in fact, the prosecution party who are the aggressors. There is no subsisting land dispute. Petitioners' side has also sustained injuries.

Learned counsel for the informant has opposed the prayer for anticipatory bail. It is submitted that the co-accused were allowed regular bail and there is allegation of assault against the petitioners, therefore they should not be allowed the privilege of anticipatory bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a



period of four weeks from today, 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 Additional Chief Judicial Magistrate-3rd, Siwan, in connection with Darauli P.S. Case No.93 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

Petitioners' counsel submits that in respect of co-accused Upendra Bhagat, he will be filing a petition for anticipatory bail separately. The petitioners will be at liberty to do so.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks  
from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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