

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34900 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- RAJEPUR District- East Champaran

1. Radha Kishun Prasad S/o Fudeni Bhagat Resident of Village- Tajpur Saraiya, Madhuaha Mal, P.S.- Rayepur, District- East Champaran.
2. Manju Kumari D/o Radha Kishun Prasad Resident of Village- Tajpur Saraiya, Madhuaha Mal, P.S.- Rayepur, District- East Champaran.
3. Dhaumanti Devi @ Dhanumanti Kuvar W/o Feudeni Bhagat Resident of Village- Tajpur Saraiya, Madhuaha Mal, P.S.- Rayepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Smt. Usha Kumari, Advocate
For the Informant	:	Mr. Sunil Kumar No. 3, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-10-2021 Heard Smt. Usha Kumari, learned counsel for the petitioners, Shri Sunil Kumar No. 3, learned counsel for the informant and Shri Jharkhandi Upadhaya, learned A.P.P. for the State.

The petitioners seek anticipatory bail in connection with Rajepur P.S. Case No. 154 of 2019 instituted under Section 341, 448, 323, 320, 379, 354(B), 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that informant Deepak Kumar has alleged that on



13.12.2019 at 9.30 am while he was operating the Customer Service Point (C.S.P.) affiliated to the State Bank of India, the accused persons who are neighbours came armed with *lathi* and *daab* and started abusing him for some previous disputes. When the informant objected they all started assaulting him, the accused Radha Kishun Prasad attacked him with *daab* on his head to kill him due to that he got injured. It is further alleged that co-accused Sunil Kumar snatched gold chain from the informant's neck and on hearing the commotion the informant's wife Rekha Kumari intervened to save them but she was also assaulted. They tore saree and blouse of the informant's wife and they further threatened them not to lodge complain before the police.

Learned counsel for the petitioners submits that from bare perusal of the F.I.R. it would manifest that the occurrence is of 13.12.2019 while the F.I.R. was instituted on 23.12.2019 i.e. after a delay of ten days. Further, from the allegation as alleged in the F.I.R. it further manifests that nothing specific has been alleged against the petitioner nos. 2 and 3.

Learned counsel for the informant, Mr. Sunil Kumar No. 3 submits that the petitioner nos. 2 and 3 have not disclosed their criminal antecedent, on which the learned counsel for the petitioners submits that the present case is of the year 2019 while



Rajepur P.S. Case No. 55 of 2020 dated 10.06.2020 under Sections 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code came to be instituted by the father of the present informant after the present anticipatory bail application was filed.

Learned A.P.P. for the State vehemently opposes the anticipatory bail application of the petitioners.

Considering the facts of the case in it's totality, let the petitioner nos. 2 and 3, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Motihari in connection with Rajepur P.S. Case No. 154 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

At this stage learned counsel for the petitioners submits that petitioner no. 1, Radha Kishun Prasad was arrested during pendency of the present anticipatory bail application. As such the anticipatory bail application with respect to him has become infructuous and thus is permitted to be withdrawn.

(Satyavrat Verma, J)

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