

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10080 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- LAUKAHI District- Madhubani

1. Ram Bahadur Barbariya Son of Late Munga Lal Barbariya Resident of Village- Belhi, P.S- Laukahi, District-Madhubani
2. Chandra Kant Barbariya Son of Ram Bahadur Barbariya Resident of Village-Belhi, P.S- Laukahi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Dr. Ajit Kumar, A.P.P.
For the Informant	:	Mr. Jitendra Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-06-2021 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

The two petitioners have filed the instant application for grant of regular bail in connection with Laukahi P.S. Case No. 133 of 2020 registered under sections 307, 143, 341, 323, 324, 379 and 504 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that as a result of some dispute, the informant's full brother i.e, petitioner no.1 herein, came and started to abuse the informant's wife. Thereafter on his instigation the five other named accused persons including the petitioner no.2 came



variously armed. The petitioner no.2 assaulted the informant's wife with fists and kicks and thereafter it is stated that co-accused Satyendra Barbariya assaulted the informant's wife with a *dabia* on her head causing serious injuries.

It is submitted by learned counsel for the petitioners that the petitioner no.1 happens to be the full brother of the informant and the petitioner no.2 happens to be the son of petitioner no.1. A family dispute has been blown out of proportion. The allegations made in the F.I.R. are false and concocted. Referring to the injury report of the informant's wife which has been brought on record as Annexure-2 to the petition, it is submitted that the same does not support the allegations levelled in the F.I.R., so far as these petitioners are concerned. The petitioners are in custody since 4.10.2020 and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only both the petitioners are named in the F.I.R. but there is direct and serious allegations against them. There is specific allegations against the petitioner no.2 of having assaulted the informant's wife. Further both the petitioners along with others



with common intention, assaulted informant's wife with a *dabia* leading to grievous injury on her head.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the main allegation of assault with the *dabia* is on Satyendra Barbariya and not the petitioners herein, the period in custody and the petitioners not having any criminal antecedent, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Laukahi P.S. Case No. 133 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jhanjharpur, District- Madhubani.

(Partha Sarthy, J)

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