

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6178 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- KALYANPUR District- East Champaran

1. SHIV KUMARI DEVI W/o Basdeo Ram Resident of Village- Hanuman Nagar, P.S.- Kalyanpur, District- East Champaran.
2. Priyanka Kumari D/o Basdeo Ram Resident of Village- Hanuman Nagar, P.S.- Kalyanpur, District- East Champaran.
3. Uttam Kumar Son of Basdeo Ram Resident of Village- Hanuman Nagar, P.S.- Kalyanpur, District- East Champaran.
4. Arti Kumari D/o Basdeo Ram Resident of Village- Hanuman Nagar, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 324, 307, 504, 302 and 34 of the Indian Penal Code.

The informant alleges that on account of dispute relating to land, the accused persons, including the petitioners, came at her house and started abusing and on protest by her brother-in-law, the accused persons burnt his hand by an iron rod and assaulted by *khanti* on head causing injuries, thereafter



it is alleged that Vikash assaulted Harendra on head by an iron rod, Priyanka assaulted Rabindra on hand by an iron rod, Basudeo and Vikash caught the husband of the informant and Basudeo assaulted the informant's husband by an iron rod on his head causing death.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and from perusal of the allegations as alleged in the F.I.R. it would manifest that the present occurrence took place on account of land dispute, it is next submitted that entire family members came to be implicated and as far as petitioners are concerned, the allegations against them are general and omnibus in nature though with respect to petitioner no. 2 it is alleged that she assaulted Rabindra by an iron rod on head but then the injury is simple in nature and the blow was also not repeated. Learned counsel submits that that Priyanka being a female was deliberately made an accused when the occurrence of assault was committed by the male members from both the sides, it is next submitted that there is specific allegation against Basudeo and Vikash of holding the husband of informant and thereafter Basudeo assaulted by an iron rod on his head causing his death and as far as petitioner no.3 is concerned, against him there is no



specific allegation and is a young boy of 18 years and his entire career would be jeopardized if he is sent to jail more so when there is no specific allegation of assault against him.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 the learned court below where the case is pending/successor court in connection with Kalyanpur P.S. Case No. 128 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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