

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22715 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- GOPALPUR District- Bhagalpur

1. BEAUTY KUMAR DAUGHTER OF ARVIND PRASAD SAH RESIDENT OF VILLAGE- PACHGACHIYA, P.S. GOPALPUR, DISTRICT- BHAGALPUR
2. BANDANA DEVI WIFE OF ARVIND PRASAD SAH RESIDENT OF VILLAGE- PACHGACHIYA, P.S.- GOPALPUR, DISTRICT- BHAGALPUR
3. PRIYANSHU KUMAR SON OF ARVIND PRASAD SAH RESIDENT OF VILLAGE- PACHGACHIYA, P.S.- GOPALPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shilpi Keshri, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar, APP
For the Informant	:	Mr. Ram Sumiran Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-05-2022 Learned counsel for the petitioners is permitted to make necessary correction in the name of petitioner no. 1, which is written as 'Beauty Kumar' in place of 'Beauty Kumari' during the course of the day.

Heard Ms. Shilpi Keshri, learned Advocate for the petitioners and Mr. Ram Sumiran Singh for the informant.

The petitioners seek bail in anticipation of their arrest in connection with Gopalpur P.S. Case No. 255 of 2020 dated 25.07.2020 instituted for the offences under Sections 147, 341, 323, 307, 504 and 379 of the Indian Penal Code.



The petitioners are alleged to have assaulted the son of the informant as a result of which he has received grievous injuries.

Ms. Keshri, learned Advocate for the petitioners has pointed out that from the narration made in the FIR, it would become very clear that a dispute arose between the families of two brothers over partition of family property. In the process, the father of petitioner no. 1, who is also the husband of petitioner no. 2 is said to have assaulted the informant, his own brother, on his head. When Gaurav, son of the informant came to his rescue, he is said to have been assaulted by the petitioners.

The learned counsel for the petitioners has submitted that though in the impugned order, it has been observed that the injuries suffered by Gaurav is grievous in nature but the learned counsel for the petitioners submits that no weapon has been attributed to them and the injuries were not intended to be inflicted. It was a fight between the members of the family where both the parties have received injuries.

As opposed to the aforesaid contention, the learned counsel for the informant, however, has submitted that the assault made by the petitioners has caused grievous injury to one of the victims. There is further allegation of snatching away



personal belongings of the members of the prosecution party by the petitioners.

However, looking at the background facts and especially noting that the whole occurrence arose during a dispute which erupted while the property was being partitioned amongst two own brothers, the petitioners no. 1 and 2, who are ladies and petitioner no. 3 who is a young person are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Bhagalpur in connection with Gopalpur P.S. Case No. 255 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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