

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13959 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- AANDAR District- Siwan

1. JITENDRA PANDIT @ JITENDRA KUMAR PANDIT Son of Ramrati Pandit Resident of Village - Banthu Salona, P.S. Ander, District - Siwan.
2. Aarti Kumari D/o Ramrati Pandit Resident of Village - Banthu Salona, P.S. Ander, District - Siwan.
3. Jyoti Kumari W/o Ramrati Pandit Resident of Village - Banthu Salona, P.S. Ander, District - Siwan.
4. Raj Kumari Devi Wife of Ramrati Pandit Resident of Village - Banthu Salona, P.S. Ander, District - Siwan.
5. Ramrati Pandit Son of Late Ramtapeshar Pandit Resident of Village - Banthu Salona, P.S. Ander, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Irshad Ahmad Khan
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 28-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 324, 307 and 504 of the Indian Penal Code, registered in connection with Ander P.S.Case No. 143 of 2021.



As per allegation, when the informant was fixing bamboo, the accused persons came there. Petitioner no.1 assaulted him with *dab* on his head. Petitioner no.2 also assaulted him with *dab* on his head. Petitioner no.3 and co-accused Upendra Kumar assaulted his wife with *dab*. Petitioner no.4 Raj Kumari Devi and petitioner no.5 Ramrati Pandit assaulted the son of the informant.

The learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated. The FIR has been lodged after six days of the occurrence.

On the other hand, learned APP has submitted that Gyanti Devi, who is the wife of the informant, has sustained grievous injury.

There is specific allegation against petitioner no.3 Jyoti Kumari that she assaulted the wife of the informant along with co-accused Upendra Kumar. The wife of the informant has sustained grievous injury. As such, **petitioner no.3 is not entitled for anticipatory bail. Her prayer for anticipatory bail is hereby rejected.** If she surrenders and makes a prayer for regular bail, that shall be considered on its own merit without being prejudiced by this order.

So far as petitioner nos. 1, 2, 4 and 5 are concerned,



considering the fact and circumstances, let them in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Siwan in connection with Ander P.S.Case No. 143 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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