

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24597 of 2021**

Arising Out of PS. Case No.-230 Year-2020 Thana- KAUWAKOL District- Nawada

1. CHANDRA BHAN GUPTA @ CHANDRA BHUSHAN GUPTA Son of Late Badri Lal Sahu Resident of Village - Jorawardih, P.O. and P.S.- Kawakol, Distt.- Nawada. Bihar-805106
2. Nilesh Kumar @ Nilesh Bharti Son of Late Nawal Kishore Prasad Resident of Village - Jorawardih, P.O. and P.S.- Kawakol, Distt.- Nawada, Bihar 805106

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      16-06-2022                      Learned counsel for the petitioners seeks permission to rectify the pleadings made at paragraph 1 of the anticipatory bail application in course of the day.

Permission is accorded.

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, 323, 307, 354(A)(B), 379, 504 and 506/34 of the Indian Penal Code.

The informant alleges that she was in her grocery shop and suddenly petitioner no. 1 came and assaulted her husband Hira Lal Gupta with Khanti on his head. Thereafter,



son (Vinay Kumar) of the informant came to protect and save his father when Manish Bharti and Nilesh Kumar assault him with rod. On seeing the occurrence, the informant came to save the injured on which Nilam Devi and Karishma Devi also assaulted by means of Danda. It is alleged that Nilesh Kumar and Manish Bharti disrobed the informant by pulling Sari and Blouse and snatched gold chain worth Rs.42,000/- and also took away goods valued at Rs.55,000/-. It is alleged that reason behind the occurrence is pendency of a probate case in Civil Court, Nawada.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioners have been falsely implicated in the present case. It is next submitted that the informant has concealed the fact that petitioners are the brother of her husband and the informant has tried to make out a case as some criminals came and started assaulting the family member and disrobed the informant. It is next submitted that a civil dispute is going on between the parties. The informant had filed Title Appeal No. 07 of 2012 against the judgment dated 31.01.2012 and decree dated 10.02.2012 passed by the learned Sub-Judge-III, Nawada in Title Suit No. 201 of 2009 which was decided in favour of the



accused persons. The said title appeal was dismissed on contest by order dated 16.03.2013 and the informant approached this Court by filing S.A. No. 283 of 2013 which also was dismissed on 16.09.2014. Learned counsel next submits that the informant is in habit of instituting false cases against the family members and draws the attention of the Court to para 8 of the anticipatory bail application to submit that the informant had instituted Kawakol P.S. Case No. 110 of 2020 registered under Sections 341, 323, 307, 354(A)(B), 379, 504 and 506/34 of the Indian Penal Code in which the allegation was that the accused persons had taken her necklace worth Rs.42,000/- and the allegation akin to what has been alleged in the present FIR. Learned counsel next submits that the injuries suffered are simple in nature and the petitioner no. 1 is suffering from tuberculosis and is under treatment as would be evident from Annexure-4 to the supplementary affidavit.

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 Kawakol  
P.S. Case No. 230 of 2020, subject to the conditions as laid  
down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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