

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19057 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- GHORASAHAN District- East
Champaran

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1. VIJAY KUMAR SINGH @ VIJAY SINGH Son of Prameshwar Singh
Resident of Village - Phulwar, Police Station - Lakaura, District - East
Champaran.
 2. REEMA DEVI @ RIMA DEVI Wife of Vijay Kumar Singh @ Vijay Singh
Resident of Village - Phulwar, Police Station - Lakaura, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avinash, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.
For the informant	:	Mr. Rabindra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioners, learned
counsel for the informant 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,
324, 307, 447, 379, 504 and 34 of the Indian Penal Code.

The informant alleges that on account of dispute
relating to passage, the accused persons including the petitioners
came to his house and petitioner no. 1 assaulted by *gada*sa
causing injury on elbow of both hands of the informant,
thereafter co-accused Kaushik Kumar assaulted by an iron rod,
it is next alleged that Kaushik Kumar also assaulted his son by
an iron rod while petitioner no. 1 and Prashanjeet Kumar had



caught his son, further Prashanjeet Kumar assaulted his brother by sharp-edged weapon causing injury near his eyebrow. Further it is alleged that Reema Devi (petitioner no. 2) and Mamta Devi assaulted his brother by an iron rod and Vijay Singh by sharp-edged weapon injuring his hand and snatched golden chain of the informant.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a woman and they have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the dispute was with respect to passage that is egress and ingress based on which the present occurrence took place. Learned counsel next submits that no doubt it is alleged that petitioner no.1 assaulted the informant and his brother by *gadasa* and sharp-edged weapon but then the injuries suffered by them are simple in nature and are on non-vital part of the body, it is also submitted that allegation of assaulting the son of the informant who received grievous injury is on Kaushik though ornamental allegation is alleged that it was this petitioner and Prashanjeet Kumar who had caught him. Learned counsel next submits that petitioner no. 2 has been implicated by alleging ornamental



allegation as she is related to the petitioner no.1.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to rebut the submission of the learned counsel for the petitioners that the injuries suffered on account of assault by petitioner no. 1 to the informant and his brother and simple in nature.

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 trial court 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 trial court where the case is pending/successor court in connection with Ghorasahan (Lokhaura) P.S. Case No. 494 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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