

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30315 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- PANAPUR District- Saran

1. Rina Devi @ Rina Kumari W/O Lalbabu Ray Resident Of Village- Chausa, P.S.- Panapur, District- Saran
2. Jhulan Rai Son Of Late Ram Nath Ray Resident Of Village- Chausa, P.S.- Panapur, District- Saran
3. Kalawati Devi W/O Jhulan Ray Resident Of Village- Chausa, P.S.- Panapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through the virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 447, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

Allegation against the petitioners is that accused Jhulan Rai started abusing the informant and on protest, he



assaulted her with Khanti due to which her right hand got fractured. When her husband came to save her, then co-accused Pankaj Kumar caused injuries with Khanti on his abdomen and chest. Petitioner Kalawati Devi also assaulted the son of the informant with rod and lathi.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is case and counter case between the parties and both sides have sustained injury. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that there is specific allegation of assault against petitioner nos. 2 and 3 and injury report of all the three injured persons are on the case diary separately which shows that all of them have sustained two injuries each on their person.

Considering the facts and circumstances of the case and the fact that there is no specific allegation of assault against the petitioner no. 1, the above named petitioner no. 1 in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Panapur P.S. Case No. 17 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, there is specific allegation of assault against petitioner nos. 2 and 3, I am not inclined to enlarge the petitioner nos. 2 and 3 on bail. Accordingly, prayer for bail of the petitioner nos. 2 and 3 is rejected in connection with the aforesaid case.

(Anjani Kumar Sharan, J)

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