

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60585 of 2021

Arising Out of PS. Case No.-862 Year-2020 Thana- NAWADA District- Nawada

Gita Devi, W/O Jogendra Chaudhary R/O Mangarbigaha, Behind Sankat
Mochan Mandir, Gondapur, P.S-Nawada, District-Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amresh Kumar Sinha
For the Opposite Party/s :	Ms. Renuka Ratnakar
	Mr. Birendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 341,
323, 325, 308, 504, 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he was getting his land measured and the same was
objected by Yugal Chaudhary and his family members on
account of which, a complaint was given in the police station.
Thereafter, the police came and was inspected the site when
Yugal Chaudhary, his wife, Savita Devi, Gita Devi (petitioner),
Rita Devi, Babli Kumari, Ranjit Kumar, Pappu Kumar, Suraj



Kumar, Bare Kumar, Chhote Kumar came and became aggressive and thereafter, it is alleged that Rita Devi and petitioner assaulted the informant by brick on his head causing injury.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The dispute was between the informant and Yugal Chaudhary. It is next submitted that from perusal of the allegation as alleged, it would manifest that the dispute was purely civil in nature in which the complaint was filed before the police, on which the police had come and was inspecting the place of occurrence when the present occurrence took place. It is next submitted that allegation of assaulting by brick is against this petitioner and Rita Devi, but the injury suffered by the informant is only one. Though it has come in the injury report that his injury is grievous. It is next submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then the woman may be in the heat of the moment may have thrown bricks at the informant, but since the injury is only one, as such, it cannot be alleged or said with certainty that it was this petitioner, who assaulted causing injury or it may be that the injury may have been caused by the assault



of Rita Devi.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application and submits that there is specific allegation of assault against Rita Devi and Gita Devi, but are not able to meet the submission made by the learned counsel for the petitioner that the injury is only one, but allegation of assault is against two of the accused.

Considering the submissions made by the learned counsel for the petitioner and in the nature of allegation as alleged, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nawada (Town) P. S. Case No.862 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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