

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62305 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- HATHUA District- Gopalganj

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1. RUPA KUMARI @ RUPA DEVI W/o Rajesh Prasad @ Gafoor @ Gaffar R/o Village - Hathwa, P.S. - Hathwa, District - Gopalganj.
 2. Ashish Kumar S/o Rajesh Prasad @ Gafoor @ Gaffar R/o Village - Hathwa, P.S. - Hathwa, District - Gopalganj.
 3. Rajesh Prasad @ Gafoor @ Gaffar S/o Late Girdhari Sah R/o Village - Hathwa, P.S. - Hathwa, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners submits that the petitioner no.3 during pendency of the present anticipatory bail application was arrested as such seeks permission to withdraw the anticipatory bail application against petitioner no.3.

Permission is accorded.

The petitioner nos. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 354, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent and the informant alleges that while she was at her vegetable shop, Rajesh Prasad was seen giving alcohol to some unknown customers and upon objection by the informant, Ashish Kumar, Rajesh Kumar and one more accused assaulted the informant with rod on her back. It is further alleged that when the son and daughter of the informant came at the place of occurrence to save the informant, Rajesh assaulted informant's son with an iron rod on head causing injury and Ashish and Shubham Kumar dashed the informant's daughter on the ground and assaulted her due to which she became semi-naked, further Rajesh continuously kept assaulting her daughter on her stomach on account of which she became unconscious. Thereafter it is alleged that Rupa Kumari and two other accused persons were pelting stones causing severe wounds on informant's son and daughter.

Learned counsel for the petitioners submits that thrust of the allegation in the F.I.R. is against Rajesh and as far as the petitioner nos. 1 and 2 are concerned, the allegations are general and omnibus in nature as it is alleged that it was Ashish along with Shubham who dashed the daughter on the ground and as far as petitioner no.1 is concerned, it is alleged that she was pelting stone along with other accused persons causing injury.



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 petitioner nos.1 and 2, 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 Hathua P.S. Case No. 113 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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