

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11951 of 2023

Arising Out of PS. Case No.-647 Year-2022 Thana- MADANPUR District- Aurangabad

1. SUBAS RAM Son of Late Sohrai Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar
2. RAMJIVAN RAM @ RAMJIVAN KUMAR Son of Karamdeo Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar
3. VIMAL RAM Son of Late Raj Balam Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar
4. RAUSHAN KUMAR Son of Vimal Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar
5. KAMAL RAM Son of Late Raj Balam Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar
6. SAVITA DEVI Wife of Vimal Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar
7. PREMSHILA DEVI Wife of Kamal Ram R/V- Parora, P.S.- Madanpur, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-07-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner No. 1.

Permission is granted.

The anticipatory bail application is dismissed as withdrawn with regard to petitioner No. 1.

Heard learned counsels for the petitioners and the



State.

Petitioner Nos. 2 to 7 apprehend arrests in a case registered for the offences punishable under Sections 147, 148, 149, 341, 448, 323, 354, 308, 379, 504/34 of the Indian Penal Code.

As per prosecution case, on 29.12.2022 at 9 pm, when informant along with her family members went to sleep, co-accused Subas Ram and petitioner No. 2 came at the house of the informant and started abusing her and other family members. When the informant protested, they caught her hand and tried to outrage her modesty. On hearing *hulla*, when her family members came to rescue her, all the accused persons including these petitioners attacked them. It is further alleged that petitioner No. 3 assaulted one Sonu Kumar by means of iron rod causing head injury to him and co-accused Subas Ram hit on the head of one Nagendra Kumar by means of *lathi*. It is also alleged that petitioner No. 6 snatched *mangal sutra* from the neck of the informant.

Learned counsel appearing for the petitioners submits that the allegation of assault is general and omnibus and injuries caused to the injured person are simple in nature. Allegations under Sections 354 and 379 are ornamental. It is further



submitted that present case is counter blast of Madanpur P. S. Case No. 646 of 2022 which was lodged by father of the petitioner No. 2 against the informant of this case. She further submits that petitioner No. 2 is only alleged to be the order giver and injury caused by petitioner No. 3 is simple in nature. So far petitioner Nos. 4, 5 and 7 are concerned, there is no specific allegation against them. Petitioners have got clean antecedent.

Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that the above named petitioner Nos. 2 to 7 in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Madanpur P. S. Case No. 647 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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