

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26068 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Soni Devi Wife of Shyam Kapar D/o Ramudgaar Kapar @ Ramudgar Kapar, Resident of Village- Bhuindhara @ Bhuedhara, Police Station- Samastipur Muffasil, District- Samastipur, At Present Residing at Village- Mahthi, Police Station- Bibhutipur, District- Samastipur.
 2. Ramudgaar Kapar @ Ramudgar Kapar Son of Late Suresh Kapar Resident of Village- Bhuindhara @ Bhuedhara, Police Station- Samastipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar No.1,Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Samastipur Muffasil P.S. Case No.509 of 2022, registered for offences under Sections 341, 323, 324, 307, 354 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons, including the petitioners herein, having assaulted the informant and her daughter. As far as the petitioner no.1 is concerned, she is stated to have assaulted the daughter of the informant with



pagaria on her head, while the petitioner no.2 had assaulted the informant with farsa.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further referred to the injury reports of the informant and her daughter annexed as Annexure-2 series to the present petition to submit that the doctor, upon examination, has found the injuries sustained by them to be simple in nature, hence benefit of doubt can be granted, for the purposes of admitting the petitioners to the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries sustained by the informant and her daughter, attributable to the petitioners herein, have



been found to be simple in nature, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-V-cum-Additional Chief Judicial Magistrate-II, Samastipur, in connection with Samastipur Muffasil P.S. Case No.509 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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