

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38648 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- CHAKAND District- Gaya

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1. Suresh Prasad, S/o Shri Ram Bhajan Mahato, R/o Village-Rasalpur, P.S.-Chakand, Dist.-Gaya
 2. Sunita Devi, W/o Sri Ram Naresh Prasad, R/o Village-Rasalpur, P.S.-Chakand, Dist.-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-07-2023 Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Chakand P.S. Case no. 367 of 2022 registered under sections 307, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that over the issue of the informant not having cast his vote in favour of the accused person, namely, Sunita Devi, the brother of the informant was assaulted by Ram Naresh Prasad and Shambhu Prasad. Thereafter, it is stated that on the informant going to enquire about the occurrence, he was assaulted by Shambhu Prasad with an iron rod and by Suresh



Prasad with a *lathi*. It is further stated that Shambhu Prasad also took away the gold chain from the neck of Sanjay Kumar.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. There is case and counter case between the parties. No overt-act has been alleged against petitioner no. 2. So far as the petitioner no. 1 is concerned, the injuries have been found to be simple in nature. The petitioners have no criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner no.1 in the F.I.R, wherein, he along with one another are said to have come armed and of having assaulted the brother of the informant together with the contents of the injury report from which, although, simple but five injuries were found on the body of the person, the Court is not inclined to enlarge the petitioner no. 1 namely Suresh Prasad on anticipatory bail and the application is rejected.

7. In the facts and circumstances of the case, it is directed that the petitioner no. 2 namely Sunita Devi, in the event of her arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in



connection with Chakand P.S. Case no. 367 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Gaya, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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