

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37065 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- PARBATTa District- Bhagalpur

1. CHANDAN KAPRI S/O LATE RAJESHWAR KAPARI R/O Vill. Jamuniya, PS. Parbatta, Dist. Bhagalpur
2. OM ANKIT S/O CHANDAN KAPARI R/O Vill. Jamuniya, PS. Parbatta, Dist. Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Bimal Kumar, learned counsel appearing for the petitioners and the Additional Public Prosecutor appearing for the State.

2. The petitioners apprehend their arrest in connection with Parbatta P.S. Case No. 02 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 326, 379, 448, 504 and 506 of the Indian Penal Code.

3. It is alleged that the informant who happens to be Aasha worker went to the house of petitioner no. 1 in order to convince the family members about the sterilization upon which Chandan Kapri infuriated and started abusing. It is further alleged that petitioner no. 1 has assaulted the informant by



means of iron rod due to which she sustained injury in her hand. Further allegation has been levelled that the petitioner no. 2 snatched rupees fifteen hundred from her. The petitioner no. 1 also assaulted the son of the informant who also received fracture injury in his jaw.

4. Learned counsel appearing on behalf of the petitioners submits that from the FIR though it is alleged that petitioner no. 1 has assaulted both the informant as well as her son, however, during the course of investigation, the independent witnesses have come up with a different version and have not supported the prosecution case. He next submits that both the petitioners are men of clean antecedent and on account of some trivial reason scuffle has taken place resulting into injuries to both the informant as well as her son.

5. On the other hand, learned counsel for the State vehemently opposed the prayer for bail.

6. Having considered the specific nature of accusation against the petitioner no. 1 which is also corroborated by the injury report, this court is not persuaded to allow the petitioner no. 1 on privilege of anticipatory bail, thus his prayer stands rejected. So far as petitioner no. 2 is concerned, there is only allegation with regard to snatching of rupees fifteen hundred



which appears to be an after thought, let the petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Naugachia, in connection with Prabatta P.S. Case No. 02 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Alok Verma/-

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