

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48108 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- PHULWARIA District- Begusarai

1. RAJIV SAH Son of Late Anandi Sah Resident of village - Fulwariya, ward no. 1, P.S. - Fulwariya, Distt. - Begusarai
2. Shambhu Ram Son of Late Vashu Dev Ram Resident of village - Fulwariya, ward no. 1, P.S. - Fulwariya, Distt. - Begusarai
3. Prakash Kumar Son of Shambhu Ram Resident of village - Fulwariya, ward no. 1, P.S. - Fulwariya, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 23-08-2023 Heard Mr. Raj Kumar Sinha, learned counsel for the

petitioners and Mr. Arun Kumar Singh, learned Additional Public

Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection with
Phulwariya P.S. Case No. 190 of 2022 dated 15.11.2022 registered
for the offence punishable under Sections 147, 148, 149, 341, 323,
324, 307, 354, 354-B, 356, 380, 504 and 506 of the Indian Penal
Code.

3. On 13.11.2022 in the morning the petitioner along
with other accused persons entered into the house of the informant,
started abusing her and petitioner No. 1 pushed her down on the
ground, co-accused Rajesh Ram assaulted the informant with sharp



weapon on her head and, thereafter, on the order of petitioner No. 1, petitioner Nos. 2 and 3 along with other accused persons started assaulting the informant and her family members. It has further been alleged that the petitioner No. 1 outraged the modesty of the informant.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to rivalry between the parties who are neighbours. He further submits that earlier Phulwariya P.S. Case No. 183 of 2022 under Sections 376/511 of Indian Penal Code was lodged against the family members of the informant by co-accused Rajesh Ram. He further submits that accused in the Phulwariya P.S. Case No. 183/22 namely, Ranjeet Ram happens to be the son of Ahliya Devi, sister of the present informant. He next submits that in order to pressurize the co-accused Rajesh Ram and others, two cases have been lodged against the petitioner Nos. 2 and 3. There is previous dispute between the parties and the injury caused to the informant is simple in nature. There is no allegation of assault against petitioner No. 1 and allegation of assault against petitioner Nos. 2 and 3 is general and omnibus in nature.

5. Regards being had to the submission made by the parties and taking into consideration the materials on record and



the fact that both the parties are neighbours and they are having previous disputes, FIR was also lodged from the side of the petitioners against Ranjeet Ram under Section 376 and 511 of the Indian Penal Code and injury caused to the informant is simple in nature as submitted by learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Begusarai, in connection with Phulwariya P.S. Case No. 190 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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