

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48747 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- GOPALPUR District- Patna

1. GANGA RAI S/o Late Ram Awtar Rai Resident of Bairiya, P.S.- Gopalpur, District- Patna.
2. SUKHDEO RAI S/o Late Ram Awtar Rai Resident of Bairiya, P.S.- Gopalpur, District- Patna.
3. ABHISHEK KUMAR S/o Ajit Kumar @ Ajit Rai Resident of Bairiya, P.S.- Gopalpur, District- Patna.
4. ANKIT KUMAR S/o Ajit Kumar @ Ajit Rai Resident of Bairiya, P.S.- Gopalpur, District- Patna.
5. RAJ KUMAR S/o Ganga Rai Resident of Bairiya, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioners and learned

APP for the State through video conferencing in view of the

COVID 19.

The petitioners apprehend their arrest in connection
with Gopalpur P.S. Case No. 208 of 2022 for the offence
registered under Sections 147, 149, 341, 323 and 302 of the
Indian Penal Code.

As per the FIR, the informant has alleged that earlier
the accused persons had assaulted on 11.04.2022 and thereafter



once again on 15.04.2022, they came to the informant's house and queried about the informant's son and husband and as she did not utter anything, the accused persons started assaulting her with leg and fist and in the process the allegation is that petitioner nos. 4 & 5 pressed the abdomen of her mother-in-law repeatedly with legs. As she became unconscious, the accused persons fled away. Later she was taken to NMCH, Patna but was declared dead.

Learned counsel for the petitioners submit that although there are criminal antecedents against all the accused persons, the fact remains that the petitioner nos. 1&2 are aged persons who have been implicated in this case only because they belong to the family members. Similarly, petitioner no. 3 is a young boy of 18 years and he has also been implicated in this case. The last submission is that one of the similar placed co-accused Chandeshwar Rai has since been granted the relief of anticipatory bail in Cr. Misc. No. 46918 of 2022 on 06.12.2022.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that so far as the petitioner nos. 4&5 are concerned, there is specific allegation of assault against them causing death of lady.

Taking into account the fact that the allegation of



assault by giving repeated leg blows on the abdomen of the deceased are on petitioner nos. 4 & 5, their anticipatory bail stands rejected.

So far as the petitioner nos. 1, 2 & 3 are concerned, there is omnibus allegation against them, petitioner nos. 1 & 2 are aged persons while petitioner no. 3 is a young boy, this Court is inclined to grant them relief with conditions of visiting the concerned police station for next six months every fortnight to mark their attendance.

Let the petitioner nos. 1, 2 & 3, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IX, Patna in connection with Gopalpur P.S. Case No. 208 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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