

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52829 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- DARIYAPUR District- Saran

- 1. Nagendra Sahani S/O Late Dharmnath Sahani R/O Village- Jagdishpur, Ps. Dariyapur, Dist. Saran
- 2. Dhrup Sahni @ Dhuruw Sahni S/O Late Padarath Sahani R/O Village- Jagdishpur, Ps. Dariyapur, Dist. Saran
- 3. Rita Devi W/O Nagendra Sahni R/O Village- Jagdishpur, Ps. Dariyapur, Dist. Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that during pendency of the anticipatory bail petition, petitioner no. 2 has been arrested, therefore, the present case has become infructuous for petitioner no. 2.

3. Learned counsel for the petitioners is pursuing the present anticipatory bail application only for petitioner nos. 1 and 3.

4. The petitioner nos. 1 and 3 apprehends their arrest in a case registered for the offences punishable under Sections

341, 323, 307, 447, 504, 506/ 34 of the I.P.C.

5. As per the prosecution case, the F.I.R. has been lodged against 5 named accused persons including the present petitioners. It has been alleged that the dispute took place between the children of the informant and the petitioners' family which subsequently resulted into scuffling between them. The specific allegation is against Rita Devi (petitioner no. 3) that she has assaulted by brick on the husband of the informant.

6. Learned counsel for the petitioners submits that from the contents of the F.I.R., it becomes crystal clear that there is absolutely no allegation against the petitioner no. 1. As such, offence of Section 307 of the I.P.C. is not made out. Counsel submits that the allegation against Rita Devi (petitioner no. 3) that she has assaulted by brick but the injury on the head of the informant is not grievous in nature. There is act and overt act and the said injury does not cause danger to life.

7. Learned counsel for the petitioners further submits that the offence has alleged to be taken place on 28.05.2022 but F.I.R. has been lodged on 07.06.2022. Counsel submits that *fardbeyan* has prepared on 06.06.2022 *i.e.* after delay of about 8-9 days. Counsel further submits that there are case and counter case for the same date and place of occurrence lodged as

Dariyapur P.S. Case No. 315 of 2022 and Dariyapur P.S. Case No. 314 of 2022 by the informant and the petitioners' side.

8. Learned A.P.P. for the State opposes the prayer for bail.

9. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner nos. 1 and 3 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, XIIIth, Saran at Chapra, in connection with Dariyapur P.S. Case No. 315 of 2022, dated 07.06.2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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