

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53041 of 2023

Arising Out of PS. Case No.-601 Year-2022 Thana- BAHERA District- Darbhanga

1. Dana Devi Wife of Laxmi Lal Dev Resident of village - Madhopur, P.S. - Bahera, Distt. - Darbhanga
2. Parmanand Lal Dev Son of Late Parmeshwar Lal Dev Resident of village - Madhopur, P.S. - Bahera, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Ashok Kumar Prasad, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Bahera P.S. Case No. 601 of 2022 giving rise to G.R. No. 517 of 2022, registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 325 and 504/34 of the Indian Penal Code.

3. Allegedly, the petitioners along with other co-accused have assaulted the daughter-in-law of the informant namely, Lalita Devi and other family members. It is further alleged that the petitioner no. 2 also snatched and taken away



the valuables whereas the petitioner no. 1 has forcibly taken thumb impression of Lalita Devi at blank sheet of paper.

4. Learned counsel appearing on behalf of the petitioners submits that from the narrations of the FIR it appears that firstly the occurrence took place on 22.11.2022, when the allegation has been levelled against co-accused Rajesh Lal Deo that he tried to outrage the modesty of the daughter-in-law of the informant due to which a *panchaity* took place and thereafter this occurrence has taken place. He further submits that in fact the present FIR has been registered in the background of the land dispute. That apart, there is a counter version of the present case being Bahera P.S. Case No. 602 of 2022 instituted against the informant and other family members. He next submits that in fact on account of land dispute a free fight has taken place which resulted into injuries to the persons of both the sides, however, the injuries sustained to the informant and his family members are found to be simple in nature. In support of the aforesaid averment, the injury report has been brought on record by way of Annexure-3. He next submitted that the petitioners undertake that they will not indulge in such type of crime in future and they will fully cooperate in the investigation/trial.

5. On the other hand, learned counsel for the State



opposes the bail application and submits that the petitioners have actively participated in the crime in question.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the counter version of the present case, apart from the nature of injuries, which are simple in nature, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Benipur, Darbhanga in connection with Bahera P.S. Case No. 601 of 2022 giving rise to G.R. No. 517 of 2022,, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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