

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55500 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- THAWE District- Gopalganj

1. GUDIYA DEVI wife of Munna Ram Village- Mir Ali Pur @ Miralipur @ Mir Alipur Ps- Thawe Dist- Gopalganj
2. BADELAL @ AJAY RAM son of Raju Ram Village- Mir Ali Pur @ Miralipur @ Mir Alipur Ps- Thawe Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 307, 379, 506 and 34 of the Indian Penal Code.

3. Allegedly, due to land dispute, all the accused persons including these petitioners came to the informant having armed with deadly weapons and started abusing. On objection, all the accused person assaulted the informant and his family members. Petitioner no.2 assaulted the informant's brother by means of iron rod due to which he sustained injuries, whereas petitioner no.1 snatched golden chain of the informant's mother.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Both the parties are agnates. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific allegation against other co-accused. There is admitted land dispute between the parties. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that the injury sustained by the informant's brother was found grievous in nature, caused by petitioner no.2 and other co-accused persons, hence petitioner no.2 does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned



lower Court where the case is pending/successor Court in connection with Thawe P.S. Case No. 36 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is serious allegation of assault against petitioner no.2 due to which the informant's brother sustained grievous injury, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

8. However, if petitioner no.2 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

9. Accordingly, the application is partly allowed.

(Anjani Kumar Sharan, J)

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