

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56046 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- PIPRAHI District- Sheohar

1. Sharda Devi Wife of Late Ram Saran Mahto Resident of Village- Parsauni Baij, P.S.- Piprahi, District- Sheohar
2. Pratima Kumari D/O Late Ram Saran Mahto Resident of Village- Parsauni Baij, P.S.- Piprahi, District- Sheohar
3. Pappu Kumar Son of Late Ram Saran Mahto Resident of Village- Parsauni Baij, P.S.- Piprahi, District- Sheohar
4. Dipu Kumar Son of Late Ram Saran Mahto Resident of Village- Parsauni Baij, P.S.- Piprahi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Mishra, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioners and the learned APP for the State as also for the informant.

The petitioners apprehend their arrest in connection with Piprahi P.S. Case No. 261 of 2021 instituted under Sections 147, 149, 341, 323, 324, 307, 427, 504 and 506 of the IPC.

As per the prosecution story, allegation against the accused persons is/are of using lathi, bamboo, spade and 'garasa' to assault the informant side. The further allegation is that when the son, Munna Kumar protested, he too was



assaulted by petitioner No. 1, Sharda Devi causing injury to him while petitioner No. 2, also gave blow to Mukesh Kumar causing injury.

Learned counsel for the petitioners submit that the omnibus allegation have been made against all the other persons, two of whom are ladies, they do not have criminal antecedent and as would reflect from the Annexure-3, the injuries have been found to be simple in nature. However, the learned Sessions Judge has wrongly recorded that the head injury is grievous in nature. It is his categorical statement that no grievous injury has been found on the injured persons.

The last submission is that irrespective of the outcome of the present petition, they would like to extend medical assistance of Rs. 10,000/- each (totalling Rs. 20,000/-) to the two injured through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Learned counsel for the informant on the other hand submits that the learned Sessions Judge order clearly shows that one of the injury was grievous in nature. He however failed to show from the Annexure-3 i.e. the injury report of Munna



Kumar and Mukesh Kumar on where the injury has been incorporated as grievous.

Taking into account the fact that omnibus allegation is there against the four petitioners, two of them are ladies, they do not have criminal antecedents, the injuries have been found to be simple, the petitioners will be cooperating in the trial, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 20,000/-, as stated above.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Piprahi P.S. Case No. 261 of 2021 to the satisfaction of learned Court of Judicial Magistrate, 1st Class, Sheohar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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