

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60397 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- ALIPUR District- Gaya

1. Reeta Devi Wife Of Ramanand Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya
2. Sushma Devi Wife Of Sanjay Das @ Sanjay Ravidas Resident Of Village- Akbarpur Ps- Alipur District- Gaya
3. Shukul Devi @ Shukuli Devi Wife Of Ram Piyare Das @ Piyare Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya
4. Lalita Devi @ Lalita Kumari Wife Of Rajesh Das @ Rajesh Kumar Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya
5. Vibha Kumari Daughter Of Rajesh Das @ Rajesh Kumar Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya
6. Urmila Devi Wife Of Late Ramashish Das @ Ramji Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya
7. Karan Kumar Son Of Sanjay Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya
8. Dina Shankar Das @ Dina Shankar Kumar Son Of Ram Piyare Das @ Piyare Das Resident Of Village- Akbarpur Ps- Alipur District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar, APP
For the Informant	:	Mr. Shakib Ayaz, Advocate
		Mr. Uma Kant Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Alipur P.S. Case No. 02 of 2023, registered on 03.01.2023, for the alleged offence under Sections 147, 149, 341, 323, 325, 354, 307, 504, 506 of the Indian Penal



Code.

03. As per prosecution case, the petitioners and other co-accused persons assaulted the daughter-in-law of the informant and when it was opposed by the informant and her husband, the assailant fled away. But, they returned back and assaulted the informant and her other family members, causing a number of injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Both sides are co-villagers and having agnatic relationship. Further, there is land dispute between the parties and they are on litigating terms since long. Due to said land dispute, petitioner nos. 1 and 4 have been made accused in earlier case lodged vide Alipur P.S. Case No. 02 of 2021 registered for the offences under Sections 147, 341, 323, 308, 338, 427, 504 and 506 of IPC and other petitioners have got no criminal history. Learned counsel further submits that a large number of family members of the petitioners have been made accused in this case. There is case and counter case between the parties, as Alipur P.S. Case No. 13 of 2023 has been lodged by the petitioners' side, which shows the informant side was aggressor and the act of the petitioners was towards self-defence. A number of persons from the petitioners' side have also received injuries. The injuries appears to have caused in ordinary



course of scuffle without any intention to cause serious injury. The injuries on the victims have been found to be superficial and non-serious.

05. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that the petitioners brutally assaulted the informant and her family members, causing a number of injuries to them. The injury of Maitri Devi has been found to be grievous which is fracture in the 1st metacarpal bone. However, injuries of other victims are stated to be simple in nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier dispute between the parties and also considering the case and counter case between the parties and further considering the non-serious nature of injuries, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Alipur P.S. Case No. 02 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal



Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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