

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57978 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- GARDANIBAG District- Patna

1. SUDHIR KUMAR Son of Rambabu Ram Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.
2. RAHUL KUMAR Son of Rambabu Ram Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.
3. GITA DEVI @ GEETA DEVI Wife of Rambabu Ram Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.
4. PRITI KUMARI Wife of Raj Kumar Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.
5. SONU KUMAR @ ARUN KUMAR Son of Rambabu Ram Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.
6. SURAJ @ RAJU KUMAR @ SURAJ KUMAR Son of Rambabu Ram Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.
7. NITU KUNARI Daughter of Rambabu Ram Resident of Village-Raghunath Tola, Anishabad, P.S.-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 20-12-2023 1. Heard learned Counsel for the petitioners, learned counsel appearing for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Gardanibagh Police Station Case No. 374 of 2023, dated 13.05.2023, disclosing offences under Sections 341/342/307/379/506/34 of the Indian Penal Code.



3. The First Information Report has been lodged by one Rajkumar Prasad, stating therein, that family members of his in-laws, namely, Sudhir Kumar, Rahul Kumar, Sonu Kumar, Suraj Kumar, Nitu Kumari, Geeta Devi, alongwith his wife, Priti Kumari, used to torture him and his parents and pressurize him to transfer his ancestral house in favour of the Priti Kumari, wife of the informant. It has further been alleged that on 07.05.2023, in the night, after closing the shop, the informant went to his in-laws' house to take his wife and children back, but as he entered the house, the accused persons confined him in a room, assaulted him with lathi, iron rod, brick, etc, as a result, he sustained severe injuries. The accused persons also uprooted the nail of right foot of the informant and snatched his golden chain.
4. Learned counsel for the petitioners submits that all the family members of the Priti Kumari, who happens to be the wife of the informant, have been made accused in this case due to marital discord between the husband and wife. He next submits that the petitioner no. 4, wife of the informant, has lodged a complaint case under Section 498(A) against the informant on 16.05.2023. He further



submits that the injury caused to the informant is simple in nature.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioners pressurized the informant to transfer his ancestral house in favour of his wife i.e. petitioner no. 4 and when the informant refused to do so, he was brutally assaulted by the petitioners and other accused persons. He further submits that the petitioners used to threaten the informant and his family members of dire consequences and after grant of interim relief by this Court, they have become emboldened and are continuously threatening the informant.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are the family members of the informant, the petitioner no. 4 is wife and injury caused to the informant is simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail, however, with a condition that the petitioners shall co-operate with the investigation and shall not misuse the privilege of anticipatory bail granted to them.



7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna, in connection with Gardanibagh Police Station Case No. 374 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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