

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60322 of 2023

Arising Out of PS. Case No.-481 Year-2022 Thana- KATEYA District- Gopalganj

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1. Buchchi Devi, aged about 39 years, Gender-Female, wife of Haresh Ram,
 2. Sumitra Kumari, aged about 19 years, Gender-Female, daughter of Haresh Ram,
 3. Soni Kumari, aged about 19 years, Gender0 Female, daughter of Kiskumar Ram,
All R/O Village- Gahni Chakiya, P.S- Kateya, Distt.- Gopalganj, Bihar.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Kateya PS Case No.481 of 2022 dated 23.10.2022, instituted
under Sections 341, 323, 324, 325, 307, 506/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that the informant
and his son, Harendra Ram, were sitting at the door. In the
meantime, the informant saw that son and daughter of Haresh
Ram were plucking the flowers of pumpkin. The informant
asked them not to pluck the flowers upon which the accused



persons including the petitioners variously armed with *lathi*, *farsa* and rod came there and accused Raj Kishore Ram inflicted *farsa* blow over the head of son of the informant, namely, Harendra Ram due to which he sustained injury on the head and became unconscious. When the informant and his daughter-in-law came to save him, Haresh Ram assaulted the informant with rod due to which left arm of the informant got fractured. It is further alleged that petitioner no.2, Sumitra Kumari, assaulted over the arm and head of the daughter-in-law of the of the informant by means of *lathi* due to which she sustained head injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is case and counter case between the parties. The counter case has been lodged by the petitioner no.1, Buchchi Devi, bearing Kateya PS Case No. 480 of 2022 against the son of the informant and other family members under Sections 341, 323, 325, 354, 354-A, 509, 504/34 of the Indian Penal Code. The present case has been lodged in order to save themselves from the case filed by the accused side. It is further submitted that there is no allegation of assault against the petitioner nos. 1 and 3. So far the allegation



of assault by petitioner no. 2, Sumitra Kumari, is concerned, the injury report of daughter-in-law of the informant shows that she had sustained simple injury caused by hard and blunt substance. Both sides are agnates and there is civil and criminal case pending between them. Lastly, it is submitted that the petitioners have clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail 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 Chief Judicial Magistrate, Gopalganj, in Kateya PS Case No.481 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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