

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58915 of 2023

Arising Out of PS. Case No.-594 Year-2023 Thana- BIHAR District- Nalanda

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1. Shivani Kumari D/O Ajay Prasad R/O Vill - Tiklu Par, P.S. - Bihar, Distt. - Nalanda
 2. Shanti Devi Wife Of Ajay Prasad R/O Vill - Tiklu Par, P.S. - Bihar, Distt. - Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioners, learned
APP for the State and counsel for the informant.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 337, 307, 379, 504/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 4 named accused persons including the present petitioners. The allegation against the present petitioners is that petitioner no.1 has thrown bricks by which accused persons injured and petitioner no.2 has assaulted by *Kudal* on the head of the informant due to which injury took place.

4. Counsel for the petitioners submits that petitioners

are innocent and have committed no offence. He submits that the date of occurrence is correct but the place of occurrence is different. Counsel submits that both the informant and the petitioners' side are adjacent neighbour and their agricultural field are adjacent to each other. Counsel submits that on the date of occurrence, the petitioners' side during agricultural work stopped the informant's side from cutting his field, due to which the scuffling took place between them, in result, both parties injured and case and counter-case have been lodged. The informant's side has lodged the present case namely, Bihar P.S. Case No. 594 of 2023 whereas the petitioners' side has lodged a case, namely, Bihar P.S. Case No. 600 of 2023. From the content of F.I.R., it transpires that time and date of both the occurrence are same.

5. Counsel further submits that antecedent of the petitioners are clean and both are female.

6. Learned APP for the State opposes the prayer for bail, but submits that there is specific allegation against the petitioner no.2 to assault the informant.

7. Counsel for the informant vehemently opposes the prayer for bail and submits that there is specific allegation against the petitioner no.2 to assault the informant due to which

injury took place. Counsel also submits that the alleged counter-case has been filed after delay.

8. In response, counsel for petitioners submits that the injury report of informant is annexed as Annexure-3 series whereas injury which has been found, is simple in nature. Counsel submits that the only injury on the Ashok Kumar (husband of the informant) is grievous in nature, but the said injury has not been caused by the petitioners.

9. In the present facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sarif in connection with Bihar P. S. Case No.594 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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