

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56101 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- SARMERA District- Nalanda

1. MAYA DEVI W/O RADHE RAM Resident of Village- Chhoti Misiyan,
P.S.- Sarmera, District- Nalanda
2. GOPAL KUMAR S/O RADHE RAM Resident of Village- Chhoti Misiyan,
P.S.- Sarmera, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar,Advocate

For the Opposite Party/s : Mr.Bharat Lal,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023

At the outset, learned counsel for the petitioners submit that the petitioner no. 1, Maya Devi has been arrested during the pendency of the application. As such, the application against her has become infructuous.

Accordingly, the application against the petitioner no. 1, Maya Devi is dismissed as infructuous.

Heard learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

The petitioner no. 2, apprehends his arrest in connection with Sarmera P.S. Case No. 81 of 2022 for the offence registered under Sections 341, 323, 324, 307, 427, 448,



504 and 34 of the Indian Penal Code.

As per the prosecution story, allegation is that the accused persons barged into the house of the informant and in the process assaulted them causing injuries to the uncle and aunty.

Learned counsel for the petitioner submits that there is a case and counter case in which both sides have suffered injuries and so far as the injury to the aunty is concerned, the same has been found to be simple in nature and for the others, opinion was reserved and from the record, it does not show that it is grievous in nature.

Further, as they are family members, without expecting any outcome of the present case, the petitioner is ready to contribute towards medical assistance of Rs. 10,000/- each to the three injured totalling Rs. 30,000/-. The last submission is that he do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail and submitted that there is allegation of assault on the family members of the informant when they were going to sleep in the night.

Taking into account the fact that there is case and counter case between the parties in which both sides have



suffered injuries, so far as the lady is concerned, the injury has been found to be simple in nature and for others. opinion has been reserved, the petitioner no. 2 do not have criminal antecedent and would be ultimately facing the trial, this Court is inclined to grant him anticipatory bail subject to payment of Rs. 30,000/- as stated above.

In the aforesaid circumstances the petitioner no. 2, Gopal Kumar in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 81 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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