

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63779 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- BARAULI District- Gopalganj

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1. SARITA DEVI W/O UMESH BHAGAT VILLAGE- RUPAN CHHAP, PS- BARAULI, DIST- GOPALGANJ
 2. ROHIT KUMAR SON OF UMESH BHAGAT VILLAGE- RUPAN CHHAP, PS- BARAULI, DIST- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-10-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. At the very outset, learned counsel for the petitioners submits that during pendency of this application, the petitioner no. 1 / Sarita Devi has been arrested. As such, he seeks permission to withdraw this application in relation to the petitioner no. 1.

3. Permission is granted.

4. Accordingly, the application stands dismissed as withdrawn with the respect to the petitioner no. 1.

5. Now, the petition survives only in relation to the petitioner no. 2 – Rohit Kumar.



6. The petitioner no. 2 apprehends his arrest in connection with Barauli PS Case No. 233 of 2023 dated 01.06.2023 registered under Sections 341, 343, 324, 325, 307, 504 / 34 of the I.P.C.

7. As per the First Information Report on 31.05.2023 the informant went at the house of the petitioners for lodging complaint about breaking of wall and damage of water pipe. In the meanwhile, petitioners started abusing and on objection being raised by the informant, the accused persons assaulted the informant and his family members with iron rod, *farsa* etc. It has been alleged that petitioner no. 2 assaulted the informant by means of iron rod on his back and right hand as a result of which he sustained fracture of his right hand.

8. Learned counsel for the petitioners submits that both the parties are next door neighbours and dispute arose between them due to some damage to the wall and water pipe. He further submits that injury has not been found on vital part of the body of the informant and upon perusal of the injury report discussed in paragraph no. 8 of the bail application it would be evident that there is a bruise on the right fore arm of the informant and there is no sign of fracture of right hand of the informant. The petitioner is having no criminal antecedent.



9. Regard being had to the submission made by the parties, taking into consideration the materials on record, the fact that both the parties are next door neighbours, the occurrence has taken place on a trivial issue of damage to water pipe and injury caused to the informant does not appear serious as per paragraph no. 8 of the bail application, as such, I am inclined to grant anticipatory bail to the petitioner no. 2.

10. Let the petitioner no. 2 , above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Mahendra Mishra, J.M. 1st Class Gopalganj in connection with Barauli PS Case No. 233 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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