

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63483 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- CHHATAPUR District- Supaul

1. Rani Devi Wife of Dilip Kumar Gayam Resident of Ward No. 13, Chhatapur, P.S- Chhatapur, Dist- Supaul
2. Suraj Kumar @ Bambam Gayam Son of Dilip Kumar Gayam Resident of Ward No. 13, Chhatapur, P.S- Chhatapur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2023 Heard Mr. Arun, learned counsel appearing on behalf of the petitioners and Mr. Vinod Shanker Modi, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chhatapur P.S. Case No. 42 of 2021, registered under Sections 447, 354, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 16.02.2021 at 7.00 P.M. accused persons named in the F.I.R. came in the courtyard of the informant and started abusing and caught hold of the wife of the informant and co-accused Dilip Gayam, Rani Devi (Petitioner no.1) and Suraj Kumar @ Bambam Gayam assaulted the wife of informant. On raising



alarm, informant came there then accused persons named in the F.I.R. including the petitioners started assaulted him, dashed on the earth and took out Rs. 5000/- from the pocket of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the the occurrence took place due to land dispute in which both sides engaged in fierce fight and assaulted each other. In the present case, in self-defence, the petitioners may have caused some injury to the wife of the informant, however, the Doctor has not opined that the injury is grievous or simple in nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation as well as from perusal of the records it appears that wife of the informant had sustained injury on her head. There is admitted land dispute, case and counter case between the parties. The petitioners appears to have in self defence the parties may have assaulted each other.

7. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
J.M.1st Class, Supaul in connection with Chhatapur P.S. Case
No. 42 of 2021, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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