

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70392 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- KHIJARSARAI District- Gaya

1. KANCHAN DEVI @ KANCHAN MALA W/o Jitendra Mohan Singh R/o vill - Dema Fatehpur, Gaya, P.s. - Khijarsarai, Dist. - Gaya
2. RUBY DEVI W/o RANJIT KUMAR SINGH R/o vill - Dema Fatehpur, Gaya, P.s. - Khijarsarai, Dist. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Khizersarai P.S. Case No. 267 of 2023, dated 09.07.2023, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 307, 427, 506 of the Indian Penal Code.

3. The case of prosecution, in short, is that the informant Prince Kumar was constructing house. Co-accused Shivbachan Singh was disturbing and repeatedly removing the centering. When the informant's brother namely Province Kumar raised objection, the accused Jitendra Singh gave iron rod blow on his head due to which he became unconscious.



Further, the accused persons including petitioners again caught hold the injured Province Kumar and hanged him on the guava tree and brutally assaulted him. It is further alleged that when Robin Kumar tried to save his brother namely Province Kumar, then the accused Mantu Kumar gave iron rod blow to Robins Kumar, due to which he also became unconscious. The injured persons were admitted in the hospital for better treatment.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation in the F.I.R. are in two parts. First part is against Jitendra Singh, who assaulted on the head of the brother of the informant, due to which he sustained head injury and became unconscious. In the second part of the F.I.R., it is alleged that the petitioners assaulted the brother of the informant. It is submitted that it has been alleged that accused Mantu Kumar assaulted Robin Kumar with iron rod on his head, Jitendra Kumar assaulted Promince Kumar with iron rod on his head, but there is only one head injury on the person of the injured. There is delay of four days in lodging of the F.I.R. Both the petitioners are lady in advance age about 54 years and 41 years. The petitioners have no criminal antecedent.

5. On the other hand, learned counsel for the



informant vehemently opposed the prayer for bail of the petitioners and submitted that the injury caused by the accused persons are grievous in nature and there are specific allegations against the petitioners also.

6. Learned A.P.P. for the State has also vehemently opposed the prayer for bail to the petitioners.

7. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, 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 six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya in connection with Khizersarai P.S. Case No. 267 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

pravinkumar/-

U		T	
---	--	---	--

