

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70275 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BAGHA District- West Champaran

1. BHAGMANTI DEVI @ BHAGMANI DEVI Wife of Rudal Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
2. Dilip Kumar @ Dilip Kumar Das Son of Bharosi Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
3. Keshaw Kumar @ Pintu Kumar @ Pintu @ Pintu Das @ Keshaw Kumar Das Son of Late Lalan Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
4. Deepak Das Son of Bharosi Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
5. Sugandhi Devi Wife of Bharosi Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
6. Vikky Kumari D/o Rudal Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
7. Krishna Kumar @ Krishna @ Krishan Kumar @ Bhadai @ Bhulai Son of Rudal Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran
8. Dhananjay Kumar Son of Bharosi Das R/V- Khoda Parsa, P.S- Bagaha, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

At the outset, it is submitted that petitioner no.3, namely, Keshaw Kumar @ Pintu Kumar @ Pintu @ Pintu Das, petitioner no.4, namely, Deepak Das, petitioner no.5, namely,



Sugandhi Devi, petitioner no.6, namely Vikky Kumari, and petitioner no.8, namely, Dhananjay Kumar, have been arrested during the pendency of the present anticipatory bail petition and, as such, their prayer of anticipatory bail become infructuous.

Considering the submissions, anticipatory bail petitions of above discussed petitioners stand dismissed having infructuous.

Now, the present anticipatory bail is limited with petitioner no.1, namely, Bhagmanti @ Bhagmani Devi, petitioner no.2, namely, Dilip Kumar @ Dilip Kumar Das and petitioner no.7, namely, Krishna Kumar @ Krishna @ Krishan Kumar @ Bhadai @ Bhulai.

The accused petitioners are named in F.I.R. and apprehending their arrest in connection with Bagaha P. S. Case No. 393 of 2022 registered for the offences punishable under Sections 341, 323, 393, 307, 354, 504/34 of the Indian Penal Code.

The allegation against three above named petitioners is to assault informant and her husband and others, along with other co-accused persons, by means of spade, rod, brickbats etc., having intention to cause their death, where occurrence is alleged to be founded over land dispute.



Learned counsel appearing on behalf of the petitioners submitted that both parties are agnets, where prior to this occurrence, a case was lodged by the petitioner's side against informant, which was registered as Bagaha P. S. Case No. 390 of 2022. It is submitted that the present case was lodged after two days just to counter the Bagaha P. S. Case No. 390 of 2022 only suggesting the false implication of these petitioners. It is further submitted that allegation as regard to assault with fight and fist is available against petitioner no.1, Bhagmanti Devi, where petitioner no.2, namely, Dilip Kumar, no injury was caused. It is submitted that injury as alleged to be caused by petitioner no.7, namely, Krishna Kumar @ Krishna @ Krishan Kumar @ Bhadai @ Bhulai, is appearing grievous in nature, causing head injury to husband of the informant. While concluding the argument, it is submitted that above named three petitioners are person of clean antecedent.

Learned APP for the State opposes the prayer of anticipatory bail.

Considering the aforesaid facts and circumstances, allegation against petitioner no.7, namely, Krishna Kumar @ Krishna, @ Krishan Kumar @ Bhadai @ Bhulai, is available to cause grievous head injury to husband of the informant,



accordingly, the prayer of anticipatory bail of the petitioner no.7 is rejected here with.

However, by taking note of nature of allegation as regard to assault, which appears general and omnibus, where petitioner no.1, Bhagmanti Devi, is a lady of clean antecedent and petitioner no.2, Dilip Kumar, is also a man of clean antecedent, let both above named petitioners, in the event of their arrest or surrender before learned Court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran/concerned Court, in connection with Bagaha P. S. Case No. 393 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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