

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6630 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- CHAND District- Kaimur (Bhabua)

1. Kapil Sah, aged about 45 years, Son of Late Baijnath Sah, R/O Village and P.S. - Chand, District - Kaimur at Bhabua.
2. Santoshi Devi, aged about 40 years, Gender-Female, Wife of Kapil Sah, R/O Village and P.S. - Chand, District - Kaimur at Bhabua.
3. Anil Kumar Gupta, aged about 25 years, Gender-Male, Son of Kapil Sah, R/O Village and P.S. - Chand, District - Kaimur at Bhabua.
4. Sunil Kumar Gupta @ Sunil Gupta, aged about 22 years, Gender-Male, Son of Kapil Sah, R/O Village and P.S. - Chand, District - Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Kiran Kumari Sharma, Advocate
For the Opposite Party : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chand P.S. Case No. 166 of 2023 dated 23.08.2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, on 20.08.2023 at about 1.00 P.M., while the informant's husband was working in



his field, the petitioners came carrying lathi, kudal and iron rod in their hands and started abusing and assaulting him, as a result of which, he sustained several injuries on his body. It is further alleged that the petitioners snatched a gold chain from his neck worth Rs. 70,000/-.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the occurrence took place on 20.08.2023 and the F.I.R. has been lodged on 23.08.2023 after a delay of three days for which no explanation has been given by the prosecution. It is submitted that the informant's husband sustained injuries simple in nature. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners by submitting that the petitioners have assaulted the informant's husband and he has sustained four injuries, out of which, the injury nos. 2 and 3 are grievous in nature which are on his head and others are simple in nature caused by hard and blunt substance. There are repetitions of blows. The petitioners had intention to cause death of the informant's husband.



6. Considering the aforesaid facts and circumstances of the case as well as the injury nos. 2 and 3 on the informant's husband are grievous in nature caused by hard and blunt substance, this Court is not inclined to grant anticipatory bail to the petitioner nos. 1, 3 and 4 and the same is rejected with a direction to the petitioner nos. 1, 3 and 4 to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner nos. 1, 3 and 4, in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Chand P.S. Case No. 166 of 2023, pending in the court of learned A.C.J.M.-IV, Kaimur at Bhabhua.

7. Further, let the petitioner no. 2, namely, Santoshi Devi being a lady (except petitioner nos. 1, 3 and 4), in the event of her arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Kaimur at Bhabhua, in connection with Chand P.S. Case No. 166 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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