

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10980 of 2024

Arising Out of PS. Case No.-153 Year-2023 Thana- PHULWARIA District- Begusarai

1. DEV SUNDARI DEVI WIFE OF RAM UDGAR SAH R/O-PHULWARIA PASCHIM TOLA, WARD NO. 07, NAGAR PARISHAD, P.S.-PHULWARIA, DISTT.-BEGUSARAI
2. BHOLA KUMAR SON OF RAM UDGAR SAH R/O-PHULWARIA PASCHIM TOLA, WARD NO. 07, NAGAR PARISHAD, P.S.-PHULWARIA, DISTT.-BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Phulwaria P.S. Case No. 153 of 2023 registered for the offences punishable under Sections 341, 323, 307, 354(B), 504, 34 of the Indian Penal Code.

3. As per prosecution case, the dispute arose on account of drainage of water on road and when same was protested by the informant, petitioner no. 2 tried to outrage the modesty of the informant. It is further alleged that when informant's uncle tried to rescue the informant, petitioner no. 2 assaulted the informant's uncle by iron rod. It is also alleged that



petitioner no. 1 assaulted the informant and her uncle by means of bamboo stick.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Learned counsel further submits that there is case and counter case between the parties on the same date of occurrence and hence, free fighting cannot be ignored. He further submits that title suit bearing Title Suit No. 126 of 2023 is pending between both the parties. Petitioners and informant are agnates and on account of minor scuffle, the dispute has arisen, as same is evident from the FIR itself. He further submits that injury report of victim indicates that injury is simple in nature. In the light of aforesaid facts and circumstances where civil dispute is pending, facts are generally exaggerated to make the case graver and when there is free fighting, no intention can be imputed in order to attract Section 307 of the IPC. Learned counsel further submits that petitioner no. 1 bears clean antecedent and petitioner no. 2 bears criminal antecedent of one case in which he is on bail.

5. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Begusarai in connection with Phulwaria P.S. Case No. 153 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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