

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9577 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- BARARI District- Katihar

1. Gayanand Roy S/O Late Basdeo Roy @ Basudeo Roy R/O Sukhashan Roy Tola, Ward No. 13, P.S- Barari, Distt.- Katihar.
2. Dayanand Roy S/O Late Basdeo Roy @ Basudeo Roy R/O Sukhashan Roy Tola, Ward No. 13, P.S- Barari, Distt.- Katihar.
3. Bhago Devi @ Asha Devi W/O Dilip Roy R/O Sukhashan Roy Tola, Ward No. 13, P.S- Barari, Distt.- Katihar.
4. Shanti Devi W/O Bijay Roy R/O Sukhashan Roy Tola, Ward No. 13, P.S- Barari, Distt.- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vivekanand Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Barari (Semapur) P.S. Case No. 223 of 2023 dated 02.07.2023 instituted for the offence punishable under Sections 307, 323, 341, 379, 448, 504/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 01.07.2023, the petitioners along with other persons entered into informant's house and assaulted her and her family member, due to which the informant's wife got injured. They also assaulted



her daughter-in-law and Gayanand (petitioner no. 1) snatched her gold pendant.

4. Learned counsel for the petitioners submits that the petitioner is innocent and they have been falsely implicated in this case. It is submitted that the petitioner no. 1 & 2 are full brother and petitioner no. 3 & 4 are ladies. It is submitted that there is no specific allegation against the petitioners and the allegations against the petitioners are general and omnibus in nature. It is further submitted that petitioner no. 3 lodged an FIR against the informant and his family members, bearing Barari (Semapur) P.S. Case No. 222 of 2023 dated 02.07.2023 under Sections 341, 323, 448, 307, 354(B), 379, 504/34 of the Indian Penal Code. It appears from the present case that the said case, bearing (Semapur) P.S. Case No. 223 of 2023 dated 02.07.2023 is counter-blast to the first case. It is further submitted that the injury report has been marked as Annexure-2, from which it appears that the injury is simple in nature, caused by hard and blunt substance. Lastly, it has been submitted that the petitioner nos. 1, 2 & 4 have one criminal antecedents and petitioner no. 3 has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Barari (Semapur) P.S. Case No. 223 of 2023, they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with each two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IIIrd, Katihar, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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