

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22553 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- GAUNAHA District- West Champaran

1. Soni Devi, Female, aged about 43 years old, Wife Of Bihari Lal Rai, Resident Of Village- Belwa Bahuwari, P.S.- Gaunaha, Distt- Bettiah (West Champaran).
2. Reema Devi, Female, aged about 32 years old, Wife of Shankar Rai, Resident Of Village- Belwa Bahuwari, P.S.- Gaunaha, Distt- Bettiah (West Champaran).
3. Lalmati Devi, Female, aged about 49 years old, Wife Of Chandeshwar Rai, Resident Of Village- Belwa Bahuwari, P.S.- Gaunaha, Distt- Bettiah (West Champaran).
4. Ravindra Rai, Male, aged about 42 years old, Son Of Kapil Dev Rai, Resident Of Village- Belwa Bahuwari, P.S.- Gaunaha, Distt- Bettiah (West Champaran).
5. Gautam Kumar, Male, aged about 18 years, Son Of Bihari Lal Rai, Resident Of Village- Belwa Bahuwari, P.S.- Gaunaha, Distt- Bettiah (West Champaran).

... .. Petitioners

Versus

1. The State of Bihar.
2. Anita Devi, Female, aged about 40 years old, Wife Of Om Prakash Prasad, Resident Of Village- Belwa Bahuwari, P.S.- Gaunaha, Distt- Bettiah (West Champaran).

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Digvijay Kumar Ojha, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Gaunaha P.S. Case No. 178 of 2023 dated



19.09.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354B, 504 and 379 of the I.P.C.

3. As per the prosecution case, on 19.09.2023 at about 5.00 A.M., while the informant was cleaning utensils in her courtyard, Soni Devi (petitioner no. 1) threw garbage in her courtyard. On protest, the petitioners alongwith other co-accused are alleged to have attacked with Katta and Hasua on her. The co-accused Satyam Kumar tore her blouse and saree and the co-accused Bihari Lal Rai assaulted with katta on her causing lip injury with an intention to kill her. When her son came to rescue her, the co-accused Satyam Kumar assaulted him and snatched mobile phone and Ravindra Rai (petitioner no. 4) snatched Mangalsutra from the informant's neck.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is land dispute between the parties. It is submitted that the husband of the informant is a A.S.I. and has been posted at Kanti, Muzaffarpur (Town) Police Station and they are trying to grab the land of Soni Devi (petitioner no. 1) with the help of anti-social elements. A Title Suit No. 152 of 2023 is pending between the parties. There is



general and omnibus allegation against the petitioners. No specific allegation has been made against the petitioners. The specific allegation of assault is alleged against the co-accused Bihari Lal Rai and the allegation of outrage the modesty of the informant and commission of theft is alleged against the co-accused Satyam Kumar who is the son of the petitioner no. 1 with an intention to defame in society. The petitioner no. 1 has one criminal antecedent, the petitioner nos. 2 and 3 have no criminal antecedent, the petitioner no. 4 has one criminal antecedent and the petitioner no. 5 has no criminal 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.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned C.J.M. West Champaran, Bettiah in connection with Gaunaha P.S. Case No. 178 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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