

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17687 of 2024**

Arising Out of PS. Case No.-529 Year-2023 Thana- GAYA KOTWALI District- Gaya

1. Ruby Kumari @ Rubi Gupta WIFE OF RAHUL KUMAR RESIDENT OF VILLAGE- SWARAJPURI, PS- WAZIRGANJ, DISTT- GAYA
2. RAHUL KUMAR @ PINKU SON OF LATE PUNAM KUMAR GUPTA RESIDENT OF VILLAGE- SWARAJPURI, PS- WAZIRGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr Ram Naresh Ray, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2 The petitioners apprehend arrest in connection with Kotwali PS Case No 529 of 2023 dated 25.08.2023 instituted under Sections 341, 323, 325, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

3 The allegation against the petitioners in the FIR is that they abused and assaulted the informant's wife and snatched her gold ring.

4 Learned counsel for the petitioners submitted that petitioner No 2 is the full brother of the informant and petitioner No 1 is the wife of petitioner No 2. It is submitted that there is



counter case lodged by petitioner No 1 Ruby Kumari bearing Kotwali PS Case No 530 of 2023 for the offence under Sections 341, 323, 308, 354, 504 and 506 of the Indian Penal Code. There is a land dispute between the brothers. It is also submitted that the informant and petitioner No 2 have already been made partition on 01.09.2020. They are residing separately since then. It is submitted that the injury report of Nisha Gupta, wife of informant reveals that the injury is simple caused by hard and blunt substance. So far injury report of Vijay Kumar is concerned, the same reveals that the same is grievous in nature caused by hard and blunt substance. Learned counsel for the petitioners submits that there is no specific allegation against the petitioners to assault Vijay Kumar. Petitioners have no criminal antecedent.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in



Kotwali PS Case No 529 of 2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister, (iii) that the bailor shall also state on affidavit that he/she will inform the Court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7 The application stands allowed.

(Khatim Reza, J)

M.E.H./-

U		T	
---	--	---	--

