

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22147 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- BACHHWARA District- Begusarai

1. Kundan Kumar S/o Pramod Rai Resident of Village Bhikhamchak, Naipur,
Police Station Bachhwara, District Begusarai.
2. Nilam Devi W/o Pramod Rai Resident of Village Bhikhamchak, Naipur,
Police Station Bachhwara, District Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratik, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 448, 307, 504 and 34 of the IPC in connection with Bachhwara P.S. Case No.92 of 2023.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case, and petitioner no.2 is a person with clean antecedent and is a women.



4. It is next submitted that petitioner no.2 is mother of petitioner no.1 and has been falsely implicated in the instant case by the informant on account of dispute relating to land being agnates. It is further submitted that informant alleges that on 18.03.2023 the accused persons including the petitioners came and assaulted his daughter Hema by rod and lathi, causing injury on her head. Thereafter, other accused persons came and assaulted the informant, his wife and his son, further Hema was taken to PHC from where she was referred to Begusarai Sadar Hospital.

5. The learned counsel submits that petitioners have been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is also general and omnibus in nature, though it is alleged that the petitioners along with Ritesh assaulted Hema by iron rod and lathi, all over her body, causing injury but then from perusal of the injury report it would manifest that Hema suffered one injury on head, but then the said injury is grievous. It is further submitted that petitioner no.2 had earlier instituted Bachhwara P.S. Case No.154 of 2022 against the informant and his side and the informant of the instant case on 29-06-2022 had come to the house of the



petitioners and had threatened the petitioner no.2 to withdraw the case, failing which consequences would follow and when she objected the petitioner no.2 along with her family member were assaulted for which Bachhwara P.S. Case No.91 of 2023 was instituted.

6. It is also submitted that petitioner no.2 is a women and has been implicated in the instant case only with a view to coerce her sons into submission.

7. The learned APP opposes the anticipatory bail application and submits that the allegation of assault may not be specific but then the informant alleges that Kundan, Ritesh along with this petitioner assaulted Hema causing injury on head and the injury has been found to be grievous.

8. Considering the submissions made by the learned APP the Court is not inclined to extend the privilege of anticipatory bail to petitioner no.1, however, the petitioner no.2 in the event of her arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case



No.92 of 2023, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

9. The anticipatory bail application is allowed partly.

(Satyavrat Verma, J)

Prakash Narayan

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