

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24999 of 2024

Arising Out of PS. Case No.-513 Year-2022 Thana- WAJIRGANJ District- Gaya

- 1. Sumitra Devi @ Sunita Devi W/O Rajendra Prasad @ Vinod Nonia R/O Village- Kenar, P.S- Wazirganj, Distt.- Gaya.
- 2. Ashlok Kumar @ Salok Kumar S/O Bijendra Prasad R/O Village- Kenar, P.S- Wazirganj, Distt.- Gaya.
- 3. Santosh Kumar S/O Bijendra Kumar R/O Village- Kenar, P.S- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 37798 of 2024

Arising Out of PS. Case No.-513 Year-2022 Thana- WAJIRGANJ District- Gaya

Mukesh Kumar Son Of Rajendra Prasad R/O- Village Kenar, P.S. Wazirganj, District - Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24999 of 2024)
For the Petitioner/s : Mr.Anirudh Kumar Sinha
For the Opposite Party/s : Mr.Mithlesh Kumar Khare
(In CRIMINAL MISCELLANEOUS No. 37798 of 2024)
For the Petitioner/s : Mr.Anirudh Kumar Sinha
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and the State.

2. The petitioners apprehend their arrest in connection with Wajirganj P.S. Case No. 513 of 2022 instituted under



Sections 147, 148, 149, 323, 379, 354, 308, 504 of the Indian Penal Code lodged on 30.9.2022, by the informant, Gita Devi.

3. As per the prosecution story, the informant alleged that as she was at her shop when the named accused came and allegation against Mukesh Kumar is of giving iron on the head causing injury. Upon the commotion, when the other family members came, allegation is that Bijendra Kumar assaulted Rita Devi, Mukesh Kumar and Santosh Kumar assaulted the informant and Santosh Kumar also assaulted Anand Kumar. Bijendra Kumar gave second assault to Deepak Kumar. There is further allegation of looting of the shop. Accordingly, the FIR.

4. Learned counsel for the petitioners in both the cases submits that there is case and counter case vide Wajirganj P.S. Case No. 512 of 2022 and the injury is found simple in nature.

5. On the other hand, learned APP opposes the prayer submitting that there is specific allegation of gave iron rod blow on the head of the informant is against Mukesh Kumar whereas petitioner no. 3, namely Santosh Kumar in other case (In Cr. Misc. No. 24999 of 2024) is concerned, there is allegation of assaulting both the informant as also Anand Kumar. The last submission is that the matter is of 2022 and two years later, the present petition is filed.



6. Taking into account the aforesaid facts as also the the allegation that has come in the FIR, so far as the anticipatory bail application of Mukesh Kumar (In Cr. Misc. No. 37798 of 2024) as also the petitioner no. 3 namely, Santosh Kumar (In Cr. Misc. No. 24999 of 2024) is/are concerned, the same is/are refused.

7. So far as the petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @ Salok Kumar is/are concerned, one of them is a lady, both the petitioners do not have criminal antecedent and allegation of assault is not found either of them, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the **petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @ Salok Kumar** be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Wajirganj P.S. Case No. 513 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :



(i) one of the bailor should be the family member of the petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @ Salok Kumar who shall provide official document to show his bona fide;

(ii) the petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @ Salok Kumar shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @ Salok Kumar shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @ Salok Kumar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 1 namely, Sumitra Devi @ Sunita Devi and petitioner no. 2 namely, Ashlok Kumar @



Salok Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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