

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30595 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Prabhu Kumar @ Prabhu Singh son of Late Radha Singh Village- Garauli Ps- Baikunthpur Dist- Gopalganj
2. Chandan Kumar son of Late Radha Singh Village- Garauli Ps- Baikunthpur Dist- Gopalganj
3. Somaro Devi @ Somaro Kuwar wife of Late Radha Singh Village- Garauli Ps- Baikunthpur Dist- Gopalganj
4. Guriya Devi wife of Prabhu Kumar @ Prabhu Singh Village- Garauli Ps- Baikunthpur Dist- Gopalganj
5. Mamta Devi @ Mamta Kumari @ Mamba Kumari wife of Chandan Kumar Village- Garauli Ps- Baikunthpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rananjay Kumar, Advocate Mr.Arit Daula Siddiqui, Advocate
For the Informant	:	Mr.Indrajeet Bhushan, Advocate
For the State	:	Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 22-11-2024 Learned counsel for the State has filed counter affidavit on behalf of the Superintendent of Police, Gopalganj.

Let, it be kept on record.

2. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the Informant.

3. The petitioners are apprehending their arrest in connection with Baikunthpur P.S. Case No. 449/2023 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 34, 337, 338, 443/379 of the Indian Penal Code.



4. As per prosecution case, petitioners armed with weapon, lathi, danda, and rod began to abuse the informant. When the same was protested, petitioner no. 1 with an intention to kill, assaulted the informant's grand daughter by means of iron rod upon her head as a result of which she sustained injury. Thereafter, when the informant's grand son came to save her sister by stopping the rod by his hand, the aforesaid rod got diverted which hit upon informant's grand son and his daughter-in-law as a result of which bone of left shoulder and bone below the elbow of informant's grand son was broken and left hand of informant's daughter-in-law was also got fractured. It is alleged that petitioners started pelting bricks and stone as a result of which informant's wife got injured. It is further alleged that during the scuffle, Mangalsutra amounting to Rs. 80,000/- was taken away from the neck of informant's daughter-in-law.

5. Learned counsel for the petitioners submits that there is case and counter case between the parties and both are agnates. He further submits that except petitioner no. 1, there is no specific allegation against any of the petitioners rather the allegations are general and omnibus in nature. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners



bear no criminal antecedent. Learned counsel further submits that though there is specific allegation against petitioner no. 1 but none of the injury is on the vital part of the body of the injured.

6. The learned A.P.P. for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners. Learned A.P.P. submits through Para 6 of the counter affidavit that the injury report of informant's grand son (Ritesh Kumar) and informant's wife (Indu Devi) indicates that nature of injuries which was caused by hard and blunt substance, are found to be grievous in nature. There are other injured person informant's grand daughter (Madhu Kumari) whose injury is caused by sharp edged substance and the same is found to be simple in nature. He further submits that there is specific allegation of assault against petitioner no. 1 which is supported and corroborated by the injury report.

7. Considering the facts and circumstances of the case, petitioner no. 2 to 5 bears clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner no. 2 to 5 above-named, in the event of their arrest or surrender



before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Gopalganj in connection with Baikunthpur P.S. Case No. 449 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as, prayer for anticipatory bail of petitioner no. 1 is concerned, there is specific allegation of assault against him which is supported and corroborated by the injury report. Hence, the prayer for anticipatory bail of petitioner no. 1 stands rejected.

9. The application stands disposed of.

(Alok Kumar Pandey, J)

alok/-

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

