

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39023 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- BAUNSI District- Banka

1. Shambhu Sah son of Kanu Sah R/O- Vill- Daliya, P.S- Bounsi, Distt- Banka(Bihar)
2. Meena Devi wife of Shambhu Sah R/O- Vill- Daliya, P.S- Bounsi, Distt- Banka(Bihar)
3. Pankaj Sah S/o- Shambhu Sah R/O- Vill- Daliya, P.S- Bounsi, Distt- Banka(Bihar)
4. Phulo Devi @ Ful Kumari D/o Shambhu Sah R/O- Vill- Daliya, P.S- Bounsi, Distt- Banka(Bihar)
5. Kishan Kumar @ Prince Kumar S/o Shambhu Sah R/O- Vill- Daliya, P.S- Bounsi, Distt- Banka(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratyush Singh

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
354, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioner nos.
2 and 4 are women and the informant alleges that while he was
constructing his boundary wall when accused persons came and



assaulted him by *lathi*, *danda* and *farsa*, further he suffered injuries on head account of assault by *lathi* and accused also assaulted his mother and took out Rs. 5,000/- from his pocket.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case on account of dispute relating to construction of boundary wall. It is also submitted that allegation of assault is not specific and from the side of the petitioners, Bounsi P.S. Case No. 286 of 2023 has been instituted against the side of the informant and others, as such, the instant FIR is a counterblast. It is also submitted that no doubt opinion with regard to the injury of the injured is reserved, but then the allegation of assault is not specific and even the female members of the family have been implicated, which amply demonstrates that the informant, only to coerce the male members of the family into submission, instituted the instant false case with general and omnibus allegation of assault. It is further submitted that petitioners will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bounsi P.S. Case No. 287 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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