

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30592 of 2024

Arising Out of PS. Case No.-1048 Year-2023 Thana- BARACHATTI District- Gaya

1. Shivpujan Prasad @ Shiv Pujan Prasad Son of Girja Saw @ Late Girija Sao R/o Village - Musarshabda, P.S. - Barachatti (Mohanpur), District - Gaya.
2. Papu Kumar @ Pappu Kumar Son of Shankar Prasad R/o Village - Musarshabda, P.S. - Barachatti (Mohanpur), District - Gaya.
3. Khushbu Devi @ Khushbu Kumari @ Khushu Kumari Wife of Pintu Prasad @ Pintu Kumar R/o Village - Musarshabda, P.S. - Barachatti (Mohanpur), District - Gaya.
4. Pinki Devi Wife of Papu Kumar @ Pappu Kumar R/o Village - Musarshabda, P.S. - Barachatti (Mohanpur), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Diwakar, Advocate
		Mr. Shivam Kumar, Advocate
		Mr. Deepak Kumar, Advocate
For the Opposite Party/s :		Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 1048 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 307, 354 (B) and 379 of the Indian Penal Code.

3. As per prosecution case, petitioners and others are said to have attacked the informant. It is alleged that



petitioner no. 1, ShivPujan Prasad, is said to have dashed the informant as a result of which he fell down unconsciously. It is further alleged that co-accused, Pintu Kumar, assaulted informant's daughter and wife and informant's daughter sustained injury in the stomach and she was sent for treatment in Mohanpur hospital. It is further alleged that dresses of the informant's daughter Sonali Kumari and Rupali Kumari were torn.

4. Learned counsel for the petitioners submits that 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. It has been submitted that a Title suit No. 46/273 of 2013 was going on between both the parties and the present dispute is nothing but the dispute arising out of the property relating to title suit between both the parties and copy of the said plaint is annexed as Annexure- P4 to the bail petition. Learned counsel further submits that all the injuries of all the injured are simple in nature. There is no specific allegation against the petitioners except petitioner no. 1, Shivpujan Prasad, who is said to have dashed the informant and the injury of the informant is simple in nature and allegations against the other petitioners are quite



vague. Learned counsel further submits that the specific allegation is against co-accused, Pintu Kumar, who is said to have kicked upon the stomach of the informant's daughter.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 1048 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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