

Arising Out of PS. Case No.-609 Year-2023 Thana- PAKARIBARAW District- Nawada

- Petitioner/s

1. The State of Bihar Bihar
2. Smt. Sunita Devi Wife of Prince Kumar, D/O Nawal Kishore Singh @ jagdish Sharan R/O Vill.- Dumrawan, P.S.- Pakribarawan, Dist.- Nawada.

... .. Opposite Party/s

For the Petitioner/s : Mr. Vaibhava Veer Shanker
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

3 11-07-2024 1. Heard learned senior counsel for the petitioners,
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, and
learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 427, 436, 325, 307, 379, 354, 504, 506 and 34 of the Indian Penal Code.

3. Learned senior counsel for the petitioners submits that the petitioners are persons with clean antecedent and are brothers and petitioner No. 2 is a student of B.Sc. (Hons.) Agriculture University, Dr. Ram Manohar Lohiya, Awadh



University at Ayodhya. It is next submitted that on account of dispute relating to land, the petitioners have been falsely implicated in the instant case by the informant by changing the place of occurrence. It is further submitted that petitioners were ploughing their field on 16-12-2023, when own brothers of the informant along with Narendra came and objected the ploughing of land by the petitioners, on which they objected, thereafter an altercation took place and the brothers of the informant along with other accused assaulted the petitioners for which Pakribarawan P.S. Case No. 606 of 2023 was instituted by the mother of the petitioners on 17-12-2023, it is next submitted that thereafter the instant FIR came to be instituted by the informant by way of afterthought on 18-12-2023 by changing the place of occurrence with respect to the same occurrence dated 16-12-2023 for which Pakribarawan P.S. Case No. 606 of 2023 was instituted, alleging that accused petitioners along with others came on 16-12-2023 to her house and were looking for her father and brother, who were not present in the house, further on order of Indradeo, petitioner No. 1 assaulted her by *Garasa* causing injury on head and petitioner No. 2 assaulted her by an iron rod fracturing her hand and thereafter put the part of the house on fire.



4. Learned senior counsel for the petitioners next submits that during the course of investigation, the investigating officer came to a considered conclusion that allegation with regard to putting the part of the house on fire along with fracture of hand of the informant was found false. It is further submitted that brother and father of the informant are accused in Pakribarawan P.S. Case No. 606 of 2023 and the informant, concealing her relationship with the petitioners that they are her cousin, instituted the present case, which amply demonstrates that the informant intended to convey an impression that petitioners are criminals who forcefully entered her house looking for her father and bother and in their absence, on order of Indradeo, the petitioner No. 1 assaulted her by *Garasa* causing injury on head and petitioner No. 2 assaulted her by an iron rod fracturing her hand. It is further submitted that even informant was present at the place of occurrence on 16-12-2023, for which Pakribarawan P.S. Case No. 606 of 2023 was instituted and during altercation, it appears that she might have received injury but then taking advantage of her injury which was caused to her on 16-12-2023, instituted the instant FIR on 18-12-2023 with the aforesaid allegations. It is also submitted that it absolutely does not stand to reason that as to why the



informant chose to conceal her relationship with the petitioners.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission made by learned senior counsel for the petitioners that petitioners are persons with clean antecedent and the informant has instituted the instant case concealing her relationship with the petitioners giving an impression as if petitioners are criminals when they are not.

6. Considering the submissions made by the learned senior 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 Pakribarawan P.S. Case No. 609 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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