

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39830 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- BACHHWARA District- Begusarai

1. Vipin Kumar @ Bipin Kumar S/O Haricharan Raut
2. Dimpal Kumari W/O Vipin Kumar @ Bipin Kumar
Both residents of Village- Gopalpur, Ward No. 11, Chirayan Tok, P.S-
Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Mr. Sandip Kumar Gautam, learned counsel

appearing on behalf of the petitioners and Mr. Choubey

Jawahar, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with

Bachhwara P.S. Case No. 188 of 2023, registered for the

offences punishable under Sections 341, 323, 325, 307, 427,

379, 504 and 506/34 of the Indian Penal Code .

3. As per the allegation made in the FIR, the

informant has alleged that his full brother has assaulted him and

his sister with sharp edged weapon.

4. Learned counsel appearing on behalf of the

petitioners submitted that petitioners are innocent and the



allegation against the petitioner no. 1 is of assaulting the informant and his sister by sharp cut weapon. In this regard, the learned counsel for the petitioners has received instruction from the *Pairvikar* that the injury has been found by the Doctor to be simple in nature. Allegation against the petitioner no. 2, who is own sister-in-law of the informant, is general and omnibus in nature. Both the petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the informant and the petitioners are own family members and due to some family dispute relating to the property, they indulged into fierce fight and in the same course, the informant and her sister sustained injury, the petitioner no. 2 (Dimpal Kumari) is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Bachhwara P.S. Case No. 188 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.



7. So far as petitioner no.1 (Vipin Kumar @ Bipin Kumar) is concerned, I find that the petitioner has given information that the injury is simple in nature and he has made specific statement in paragraph no. 9 of the bail application in this regard. The same is required to be verified by the learned District Court and in case, the learned District Court finds that the injuries are simple in nature, the petitioner no. 1 (Vipin Kumar @ Bipin Kumar) shall be released on pre-arrest bail subject to conditions as laid down under Section 438(2) of the Cr.P.C. and further conditions, the learned District Court deems fit and proper.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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