

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41201 of 2024

Arising Out of PS. Case No.-463 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Prakash Kumar, Son of Anil Pal @ Anil Kumar Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
2. Vikash Kumar Son of Sunil Pal @ Sunil Kumar Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
3. Punam Devi Wife of Sunil Pal @ Sunil Kumar Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
4. Madhuri Devi Wife of Anil Pal @ Anil Kumar Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
5. Anil Pal @ Anil Kumar Son of Late Mauji Raout Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
6. Deepak Kumar Son of Anil Pal @ Anil Kumar Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
7. Sunil Pal @ Sunil Kumar Son of Late Mauji Raout Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
8. Suraj Kumar Son of Anil Pal @ Anil Kumar Resident of Village - Chandchour Mathurapur, P.S.- Ujiarpur, District - Samastipur, Bihar, India.
9. Rajeev Kumar Roy @ Rajeev Kumar Son of Nageshwar Ray Resident of Village - Purani Chowk Smsa, Police Station - Mansoorchak, District - Begusarai, Bihar, India.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Lakshmindra Kumar Yadav
For the Opposite Party/s :	Mr. Arun Kumar Singh
	Mr. Alok Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-09-2024 1. Heard learned counsel for the petitioners, the

learned counsel appearing on behalf of the informant and

learned APP for the State.

2. The learned counsel for the petitioners, after



arguing vehemently for sometimes, seeks permission to withdraw the present anticipatory bail application with respect to petitioner nos.1, Prakash Kumar, petitioner no.5, Anil Pal @ Anil Kumar and petitioner no.6, Deepak Kumar.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner nos.1, Prakash Kumar, petitioner no.5, Anil Pal @ Anil Kumar and petitioner no.6, Deepak Kumar.

5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 427 and 504 of the Indian Penal Code.

6. The learned counsel for the petitioners submits that the petitioner nos. 1 and 8 have antecedent of three cases and petitioner nos.2, and 7 have antecedent of two cases and petitioner nos.3 and 4 have antecedent of one case and petitioner no.9 is a person with clean antecedent and the informant alleges that the accused persons including the petitioners barged in the shop of the informant and



asked the informant to vacate the shop and on objection the accused persons assaulted her with an iron rod and when her husband and sister in-law came to save her, the accused petitioners also assaulted them with *farsa* causing injury and also vandalized her house and CCTV.

7. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that Deepak is alleged to have assaulted her by rod while Prakash assaulted her husband by *farsa* causing injury on hand, back and throat, while Suraj, Sunil, Vikas and Ankus misbehaved with her Nanad and petitioner nos.3 and 4 are alleged to have assaulted her Nanad by *farsa* and Rajiv along with other threatened the passers-by by gun.

8. The learned counsel submits that petitioners and the informant are agnates and are having dispute relating to property and on account of said dispute, an altercation had taken place in which both sides assaulted each other. It is further submitted that though the order impugned records that the injury report is awaited, but then, the injury report has come for which a supplementary affidavit has been filed



and from perusal of the same, it would manifest that the injury suffered by the injured is simple in nature, which amply demonstrates that petitioners never had any intention of committing a serious occurrence. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that there is no specific allegation of assault against Vikash, Sunil, Suraj and Rajiv and as far as Punam Devi and Madhuri Devi are concerned, they are alleged to have assaulted the sister in-law of the informant, but then, the injury suffered by her is simple in nature and has also suffered only one injury when allegation of assault is against Punam and Madhuri Devi.

9. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that the injury suffered by the injured is simple in nature and there is no specific allegation of assault against Vikas, Sunil, Suraj and Rajiv.

10. Considering the submissions made by the



learned counsel for the petitioners, the petitioner nos.2, 3, 4, 7, 8 and 9, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dalsinghsarai, Samastipur/concerned Court in connection with Ujiarpur P. S. Case No.463 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. The application stands allowed.

(Satyavrat Verma, J)

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