

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54467 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- CHACKMEHSI District- Samastipur

1. Amar Kumar S/O Lala Sahni R/O Village- Somnaha Ps. Chakmehsi Distt. Samastipur
2. Indu Devi W/O Lala Sahni R/O Village- Somnaha Ps. Chakmehsi Distt. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 8 19-07-2024 1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.
2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Chakmehsi P.S. Case no. 191 of 2022 registered for the offence punishable under sections 302, 307, 341, 323, 324, 447, 504 and 34 of the Indian Penal Code.
3. As per allegation in the F.I.R, the informant states that the two petitioners herein as also one Lala Sahni came variously armed and assaulted the informant, the informant's brother and other members of his family. The informant subsequently succumbed to his injuries.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. Though in the F.I.R the allegation is on petitioner no.1 of having assaulted the informant on his head, however, referring to the contents of the postmortem report as has come in the order of the learned trial Court, it is submitted that the informant died as a result of myocardial infraction. So far as the petitioner no. 2 is concerned, it is submitted that besides being a lady, the alleged injury attributed to her assault has been found to be simple in nature. The petitioners have no criminal antecedent and undertake to co-operate in the trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only both the petitioners are named in the F.I.R. but have actively participated in the occurrence. As a result of the assault by petitioner no. 1, the informant died and the assault by petitioner no. 2 is substantiated from the injury report which has transpired in the investigation.

6. Having heard learned counsel for the parties and taking into consideration the allegation of assault against the petitioner no. 1 resulting in death of the informant, the Court is



not inclined to enlarge the petitioner no. 1 on anticipatory bail and his application is rejected.

7. The petitioner no.1 is directed to surrender in the learned Court below within a period of four weeks. In case the petitioner no. 1 surrenders within a period of four weeks and prays for regular bail, the same shall be considered on its own merits without being prejudiced by this order of rejection.

8. With respect to petitioner no. 2, in view of the allegations against her in the F.I.R., the material that has transpired in course of investigation specially the contents of injury report and the petitioner no. 2 being a lady, it is directed that the petitioner, above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Chakmehsi P.S. Case No. 191 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur.

(Partha Sarthy, J)

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