

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.48067 of 2024

Arising Out of PS. Case No.-199 Year-2023 Thana- SUGAULI District- East Champaran

1. Anita Devi Wife Of Bhairav Yadav Village- Sugaon, P.S.- Sugauli, Distt.- East Champaran
2. Shanti Devi Wife Of Late Shankar Yadav Village- Sugaon, P.S.- Sugauli, Distt.- East Champaran
3. Bhola Yadav Son Of Late Shankar Yadav Village- Sugaon, P.S.- Sugauli, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 199 of 2023 registered under Sections 341, 342, 323, 324, 307, 504 and 34 of the Indian Penal Code.

3. As per prosecution case, on the alleged date and time of occurrence, all the FIR named accused persons including these petitioners and 3-4 unknown persons assaulted husband of informant with *lathi* and sharp weapons, as a result of which he sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that from bare perusal of FIR, it is apparent that informant is not an eye witness of the case. FIR has been lodged after an inordinate delay of 5 days without assigning



any plausible explanation for delay. Allegation of assault is general and omnibus. No specific over act is alleged against these petitioners. Injuries allegedly caused by these petitioners are simple in nature.

5. Learned A.P.P. appearing on behalf of the State opposed the bail application and submits that petitioners are named in the First Information Report. There is specific allegation of assault against these petitioners.

6. Having considered the aforesaid facts and circumstances of the case as well as nature of injuries, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail-bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No. 199 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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