

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.67240 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- GOPALPUR District- Gopalganj

- 1. Janki Devi Wife of Ramsurat Chauhan Village- Badahra Baraipatto PS- Gopalpur Dist- Gopalganj
- 2. Sankeshi Devi W/o- Munna Chauhan Village- Badahra Baraipatto PS- Gopalpur Dist- Gopalganj
- 3. Santosh Chauhan Son of Ramsurat Chauhan Village- Badahra Baraipatto PS- Gopalpur Dist- Gopalganj
- 4. Mantosh Chauhan Son of Ramsurat Chauhan Village- Badahra Baraipatto PS- Gopalpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 22-10-2024
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Gopalpur Police Station Case No. 43 of 2024, dated 27.02.2024, disclosing offences punishable under Sections 341/323/324/325/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, as per the First Information Report, is that at about 8 AM on 26.02.2024, while the informant



was cleaning the path in connection with the marriage of his daughter, all the accused persons, variously armed, reached there and started abusing the informant. On protest being raised by the informant, all the accused persons, including the petitioners, started assaulting the informant and on seeing this, when the 10-years old son, the wife and two daughters of the informant came to rescue the informant, the accused persons also assaulted them, due to which the hand of the informant's son got fractured and the wife and daughters of the informant also sustained grievous injuries.

4. Learned Counsel for the petitioners submits that the informant and the husband of the petitioner no. 1 are the own brothers and the petitioners have falsely been implicated in this case due to admitted land dispute. The allegation against the petitioners are general and omnibus in nature and there is no specific allegation of assault against the accused persons.
5. A counter case has also been lodged by the side of the husband of the petitioner no. 1, for the occurrence which took place on the same date and time, bearing Gopalpur Police Station Case No. 75 of 2024 against the informant



and others under Section 307 and other allied sections of the Indian Penal Code. The injuries caused to the informant and his son are grievous in nature.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner nos. 1 and 2 are ladies and the allegation against them is general and omnibus in nature, I am inclined to grant the petitioner nos. 1 and 2 privilege of anticipatory bail.
7. However, considering the fact that the informant and his son has sustained grievous injuries, I am not inclined to grant the petitioner nos. 3 and 4 privilege of anticipatory bail. Accordingly, their prayer for bail is rejected.
8. Let the petitioner nos. 1 and 2, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Gopalganj, in connection with Gopalpur Police Station Case No. 43 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



9. This application is partly allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

