

Arising Out of PS. Case No.-191 Year-2024 Thana- BIHIA District- Bhojpur

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

CRIMINAL MISCELLANEOUS No. 75189 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- BIHIA District- Bhojpur

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

For the Opposite Party/s : Mr.Ajit Kumar

ORAL ORDER

2 11-11-2024 1. Since both these anticipatory bail applications arise out of Bihiya Police Station Case No. 191 of 2024, with the consent of the parties, both these applications are heard together.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. These applications, for grant of anticipatory bail, arise out of Bihiya Police Station Case No. 191 of 2024, dated



26.06.2024, disclosing offences punishable under Sections 341/323/504/307/337/34 of the Indian Penal Code.

4. The prosecution case, as per the First Information Report, is that on 17.04.2024, while the husband of the informant was sitting at his door, the petitioners arrived there and at the instance of petitioner Bipin Bihari Gond, the petitioner Gopal Gond assaulted the husband of the informant with iron-rod, due to which he sustained serious injury. Thereafter, the petitioner Bipin Bihari Gond also assaulted him with bricks brutally and when the informant tried to intervene, she was also assaulted by the petitioner Bipin Bihari Gond.
5. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to dispute between neighbours. On 17.04.2024, the son of the petitioner Bipin Bihari Gond was assaulted by the husband of the informant and others, for which the son of the petitioner Bipin Bihari Gond has filed Complaint Case No. 30 of 2024 on 02.05.2024 before learned Special Judge, SC/ST, Bhojpur, at Ara. There is inordinate delay in lodging the present First Information Report by the



informant inasmuch as the occurrence has taken place on 17.04.2024, but the First Information Report has been lodged after about two months on 26.06.2024.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the inordinate delay in lodging the First Information Report and the fact that both parties are neighbours, I am inclined to grant the petitioners privilege of anticipatory bail.
- 7. These applications are, accordingly, allowed.
- 8. Let the petitioners, 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Bhohjpur, at Ara, in connection with Bihiya Police Station Case No. 191 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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