

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84932 of 2024

Arising Out of PS. Case No.-292 Year-2024 Thana- KALYANPUR District- East Champaran

1. Sangita Devi W/o Ajay Rai Resident of village - Siswa Basant, P.S- Kalyanpur, District- East Champaran
2. Pratima Devi W/o Rajesh Rai Resident of village - Siswa Basant, P.S- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 292 of 2024 registered for the offences punishable under Sections 127(1), 115(2), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita.

3. As per prosecution case, petitioners and other abused the informant and when same was protested, co-accused- Ajay Rai, caught hold of the informant and petitioner no. 2, Pratima Devi, ordered to kill him. It is further alleged that co-accused, Ajay Rai, assaulted the



informant by means of *dab* as a result of which he sustained injury on head. It is further alleged that co-accused, Niraj Kumar, took away Rs. 2,000/-, driving license and certificate.

4. Learned counsel for the petitioners submits that there is no specific allegation against the petitioner no. 1 and petitioner no. 2 is merely an order giver. Petitioners are not the assailants of the informant. The specific allegation of assaulting the informant is upon co-accused, Ajay Rai. Moreover, injuries sustained by the informant are simple in nature as annexed in annexure-2 of the bail petition. Learned counsel submits that petitioners and informant are agnates and from the perusal of FIR, it transpires that dispute arose on the issue of handpump. He further submits that there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. Petitioner No. 1 bears criminal antecedent of one case in which she is already on bail and petitioner no. 2 bears no criminal antecedent. Petitioners are innocent and have committed no



offence as alleged in the FIR and they have falsely been implicated in this case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 292 of 2024, subject to the conditions as laid down under Section 482 of the B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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