

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.405 of 2024

Arising Out of PS. Case No.-579 Year-2023 Thana- BARACHATTI District- Gaya

1. Munna Singh @ Arbind Kumar Dhanushdhari Singh R/O- VILLAGE SIRIYAWAN PS MOHANPUR DISTRICT GAYA
2. Priya Devi @ Priya Parmar Singh Munna Singh @ Arbind Kumar R/O- VILLAGE SIRIYAWAN PS MOHANPUR DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 579 of 2023 for the offence under Sections 341, 323, 504, 506, 325, 354, 307 and 34 of the I.P.C. lodged on 17.06.2023 by the informant, Suresh Singh.

3. As per the prosecution story, the informant has alleged that when he was entering his house along with belongings the accused person assaulted him as also his wife. They had to move to Community Health Center, Mohanpur and from their to Anugrah Narayan Medical College and Hospital, Gaya for better treatment.



Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the family has already separated, the informant being his own brother, on his allotted share he constructed a school as also his house. As school is running successfully, his brother who lives outside returned after decades with a greedy eye and tried to have share in his house/school. In the process, he actually trespassed which resulted into the scuffle. Both sides had minor injuries but none lodged FIR. However, as an afterthought, he has lodged this FIR. It is his categorical statement that it was the trespassing of the informant in the allotted share of the petitioners who are husband and wife, that the scuffle took place.

5. Learned APP on the other hand submits that there is an allegation of assault and the informant was taken to Primary Health Center and then to the Anugrah Narayan Medical College and Hospital, Gaya, as such their role cannot be ignored.

6. Taking into account the submissions put forward by the parties as also that there is a delay in lodging of the FIR, the couple is running a school, it is categorical



stated that the same is on his own share, as per the undertaking given by the learned counsel for the petitioners they will cooperate in the investigation and will actively participate in the trial, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, II, Sherghate, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 579 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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