

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34383 of 2025

Arising Out of PS. Case No.-148 Year-2021 Thana- NADI P.S. District- Patna

1. Chandeshwar Rai Son of Nakeshwar Rai Village- Alampur PS- Nadi Dist- Patna
2. Shankar Rai son of Nakeshar Rai Village- Alampur PS- Nadi Dist- Patna
3. Raj Kumari Devi Wife of Chandeshwar Rai Village- Alampur PS- Nadi Dist- Patna
4. Abha Devi Wife of Shankar Rai Village- Alampur PS- Nadi Dist- Patna
5. Rajvanshi Devi wife of Nakeshar Rai Village- Alampur PS- Nadi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 02-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Nadi P.S. Case No. 148 of 2021 registered for the offences punishable under Sections 341, 323, 379, 354, 448, 504, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 is said to have assaulted the informant upon her left eye as result of which she became unconscious and fell down. Thereafter, petitioner no. 2 thrashed the informant on the ground and started assaulting the informant upon her left arm by means of fist, leg and sharp



weapon. It is alleged that petitioner no. 3 snatched gold chain (16 gram) from the neck of informant and petitioner no. 4 snatched gold earrings from the ear of the informant. It is further alleged that petitioner no. 5 ordered to beat the informant to death. Thereafter, petitioner no. 2 assaulted the informant upon her back, chest and abdomen by means of fist, leg, lathi and danda.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that police has given the benefit of Section 41 of Cr.P.C. to the petitioners. He further submits that after completion of investigation police has submitted charge sheet against the petitioners on 23.09.2023 vide chargesheet no. 571 of 2023 under Sections 341, 323, 354, 448, 504 and 34 of I.P.C. and the learned Judicial Magistrate has taken cognizance against the petitioners under Section 341, 323, 354, 448, 504/34 of the I.P.C. and issued summon against the petitioners to appear before the Court. He further submits that the allegation of assaulting the informant is attributed against petitioner nos. 1 and 2 but the injury sustained by the informant is simple in nature. He further submits that allegation levelled against the petitioner nos. 3, 4 and 5 is nothing but ornamental in nature. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioners by submitting that there is allegation against petitioners as mentioned in the FIR and they cannot escape from the liability of the alleged occurrence. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Judicial Magistrate Ist Class, Patna City in connection with Nadi P.S. Case No. 148 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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