

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70015 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- MINAPUR District- Muzaffarpur

1. Munna Kumar, aged about 19 years, Male, Son of Binod Bhagat, Resident of village- Minapur, Ward No. 3, P.S.- Minapur, Dist.- Muzaffarpur.
2. Nirmala Devi, aged about 41 years, Female, Wife of Vinay Bhagat, Resident of village- Minapur, Ward No. 3, P.S.- Minapur, Dist.- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sagar Kumar, Advocate

For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Minapur P.S. Case No. 34 of 2024 dated 18.01.2024 registered for the offences punishable under Sections 341, 342, 323, 307, 379, 504 read with Section 34 of the I.P.C.

3. As per the prosecution case, the informant Juhi Kumari performed love marriage with Sonu Kumar for which her father lodged Minapur P.S. Case No. 228 of 2023 against her husband for kidnapping. It is further alleged that her husband was saved from that case after recording the statement of the



informant under Section 164 of the Cr.P.C. Thereafter, the informant with her husband was leading happy conjugal life at her matrimonial home. In the meantime, her father Binod Bhagat, her brother Munna Kumar (petitioner no. 1) and Vinay Bhagat came to her matrimonial home and invited them on dinner on 12.01.2024 and to take all the papers and articles to their matrimonial home and accordingly, the informant with her husband went to her maik to attend the dinner. It is further alleged that the co-accused Sachin Bhagat abused filthy language against her husband and all assaulted him. When the informant came to rescue him, her father, brother and uncle stopped her and thereafter, Ranjan Kumar, Ravi Ranjan, Sachin Bhagat, Nirmala Devi (petitioner no. 2), Chandan Kumar, Ramesh Kumar and Mithilesh Kumar brutally assaulted her with lathi, danda and rod, due to which, she sustained injuries. Her brother Munna Kumar (petitioner no. 1) assaulted her with rod on her head, as a result of which, blood started oozing and all assaulted her and misconstruing her dead, they wrapped her in a plastic and threw her in a bamboo clump. When she regained senses, anyhow she reached at her matrimonial home. In the meantime, her husband also reached there untying himself. They were brought to P.H.C., Minapur from where they were referred



to S.K.M.C.H. for their treatment. It is further alleged that Nirmala Devi (petitioner no. 3) and the co-accused Chandan Kumar took golden chain, nose pin, golden Mangalsutra, silver payal and the co-accused Vinay Bhagat took Rs. 4,000/- from the pocket of the informant's husband.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 is the brother and the petitioner no. 2 is the aunt of the informant. It is further submitted that as it appears from the F.I.R. that the informant eloped with Sonu Kumar for which her father lodged Minapur P.S. Case No. 228 of 2023 against her husband although after recording the statement under Section 164 of the Cr.P.C. her husband was released on bail but the informant could not forget the insult caused by the said case, hence, she lodged the present false case against the petitioners. There is general and omnibus allegation against the petitioner no. 2. The specific allegation of assault on the informant is against the petitioner no. 2 but the doctor has found the injury simple in nature caused by sharp weapon. The other co-accused persons Vinay Bhagat and Vinod Bhagat @ Binod Bhagat have already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 42080 of 2024



under order dated 24.06.2024. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Court No. 4, Muzaffarpur (West) in connection with Minapur P.S. Case No. 34 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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