

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76972 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Dhouli Devi @ Dholi Devi W/o Santosh Tanti @ Santosh Sharma R/o Village- Tilathi, P.S- Bakhtiyarpur (Kanaria O.P), Distt.- Saharsa.
 2. Santosh Tanti @ Santosh Sharma S/o Late Phuleshwar Tanti R/o Village- Tilathi, P.S- Bakhtiyarpur (Kanaria OP), Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bakhtiyarpur P.S. Case No. 227 of 2024 registered for the offences punishable under Sections 341, 323, 325, 307, 447, 354A, 379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons armed with weapons entered in the courtyard of the informant and started abusing and assaulting her husband. On the exhortation made by co-accused Bhaijee Tanti, all the accused persons assaulted the husband of the informant. It is further alleged that petitioner no.2, repeatedly assaulted over the head



of the husband of the informant due to which he sustained head injury whereas co-accused Bhaijee Tanti assaulted the husband of the informant over his arm by means of iron rod, on account of which he sustained fracture injury. There is allegation of snatching of valuables against petitioner no.1.

4. Learned counsel for the petitioners contended that both the parties are none else but the agnates and on account of some family feud and land dispute, a free fight took place resulted into injuries to persons of both the sides. There is counter version of the present case being Bakhtiyarpur P.S. Case No. 242 of 2024. Drawing the attention of this Court to the injury report, learned counsel for the petitioners further contended that so far the allegation against petitioner no.2 of causing repeated blow over the head of the husband of the informant is concerned, the same has been found to be simple in nature. The fracture injury over the arm of the injured, is attributed to co-accused Bhaijee Tanti. The allegation of snatching of valuables against petitioner no.1 is nothing but a concocted one. Both the husband and wife along with all the family members have been made accused in this case. The petitioners are said to be labourer and working in Uttarakhand and they undertake that they will fully cooperate in the



proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that apart from one criminal antecedent against the petitioners, petitioner no.2 has repeatedly assaulted over the head of the husband of the informant due to which he sustained serious injury.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the occurrence leading to case and counter case, coupled with the fact that the injury attributable to petitioner no.2 is simple in nature; moreover, petitioner no.1 happens to be lady, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Saharsa in connection with Bakhtiyarpur P.S. Case No. 227 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that:-

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) In case, the petitioners shall indulge in such type



of activities in future, the informant shall have at liberty to file application for cancellation of the bail bond(s) of the petitioners.

(Harish Kumar, J)

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