

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74624 of 2024

Arising Out of PS. Case No.-47 Year-2021 Thana- OBRA District- Aurangabad

1. Chitranjan Kumar Son of Gauri Shankar Singh Village- Bishunpura, PS -Obra, District -Aurangabad
2. Gauri Shankar Singh son of Baliram Singh Village- Bishunpura, PS -Obra, District -Aurangabad
3. Nagina Devi Wife of Gauri Shankar Singh Village- Bishunpura, PS -Obra, District -Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 23-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. After some argument learned counsel for the petitioner prays for withdrawal of the anticipatory bail application of petitioner no. 1 namely, Chitaranjan Kumar petitioner no. 2, namely, Gauri Shankar in order to surrender within three weeks from today and approach before the learned court below for grant of regular bail which shall be considered on its own merit without being prejudiced by this order, preferably, on the same day.

3. The petition now only survives against petitioner



no. 3, namely, Nagina Devi.

4. The petitioner apprehends his arrest in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

5. The allegation in the FIR is that all the accused persons assaulted the informant and his family members on account of a dispute with regard to the execution of the scheme of Nal Jal Yojana. There is specific allegation as against petitioner no. 1 Chitaranjan Kumar having assaulted by means of *garasa* on the head of informant and allegation of assault by means of sharp Khanti on the head of Kundan Kumar. Further, allegation upon Nagina Devi (petitioner no. 3) is of giving a tooth bite on the wrist of Khusbu Kumari.

6. Learned counsel for the petitioner submits that it would be apparent from the bare perusal of the FIR that dispute basically relates to execution of the scheme of Nal Jal Yojana and hence, any fight which took place cannot be said to be with an intention to cause death and hence, there is no applicability of section 307 of the IPC in the present case. It has also been argued that as against the allegation of assault by sharp cutting weapons, the injury report shows that the injury caused by hard



and blunt substance and further the FIR has also been lodged after delay of six days for which no plausible explanation has been tendered by the prosecution. Further submission is that petitioner no. 3 has only been imputed the allegation of giving tooth bite of Khusbu Kumari on wrist which is none vital part of the body.

7. The learned APP opposes the prayer for bail on the ground that several persons are got injured in this case.

8. Considering all the above mentioned facts and circumstances and also considering the allegation made as against the petitioner no. 3 producing simple injury, let the petitioner no. 3, namely, Nagina Devi, in the event of her arrest/ surrender within a period of four weeks from today, the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Obra P.S. Case No. 47 of 2021, subject to condition as laid down under section 438(2) of the Cr.PC .

(Soni Shrivastava, J)

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