

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75693 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- BARARI District- Katihar

1. Priyatama Devi Wife of Sudhir Kr. Singh Resident of Siwana, P.S.- Barari, , Distt.-Katihar
2. Sudhir Kumar Singh @ Sudhir Kr. Singh Son of Late Indrajeet Singh Resident of Siwana, P.S.- Barari, , Distt.-Katihar
3. Manikant @ Manikant Kumar Son of Sudhir Kr. Singh Resident of Siwana, P.S.- Barari, , Distt.-Katihar
4. Abhishek Kumar Son of Sudhir Kr. Singh Resident of Siwana, P.S.- Barari, , Distt.-Katihar
5. Sudarshan Kumar Son of Sudhir Kr. Singh Resident of Siwana, P.S.- Barari, , Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Barari P.S. Case No. 192 of 2024 lodged on 23.06.2024, for the offences punishable under Sections 323, 341, 324, 325, 379, 504, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons (all the present petitioners) against whom there is allegation that they have abused informant's son



in law and subsequently at night, accused persons attacked on the shop of the informant's *devar*. There is also allegation against petitioner no.4 and 5 that they have assaulted by steel rod. It is also alleged that other accused persons have snatched golden chain and some cash.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that there are certain fatal points which are necessary to be taken into consideration. He submits that FIR has been lodged on 23.06.2024, whereas, the date of occurrence is 05.06.2024, but delay in filing the FIR is not explained in the *fardbayan*. Counsel further submits that injuries are simple in nature which is apparent from Annexure-2 series. Counsel submits that by virtue of supplementary affidavit, prior to the present FIR, one FIR was lodged by petitioner no.1 in which petitioners also received injuries. He submits that from the said FIR, it transpires that date of occurrence is same i.e. 05.06.2024 in which the assault has been made by the informant's side upon accused no.4 and 5 due to which they injured.

5. Learned Counsel for the petitioners further submits that one case has been lodged from the petitioner's side bearing Barari P.S. Case No. 178 of 2024 and the present case has been



lodged from the informant's side bearing Barari P.S. Case No. 192 of 2024. Counsel submits that both cases have been lodged for the same date and place of occurrence, therefore, this shall be treated as case and counter case. Counsel further submits that criminal antecedent of the petitioners are clean.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners of abuse and assault to the informant and her family members.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in connection with Barari P.S. Case No. 192 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

