

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88332 of 2024

Arising Out of PS. Case No.-332 Year-2024 Thana- KOILWAR District- Bhojpur

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1. Prabhu Ray Son of Late Deolal Ray Resident of Village - Barki Chanda, Police Station - Koilwar, District - Bhojpur, Bihar
 2. Sonu Kumar Son of Prabhu Ray (In the impugned order father's name of this petitioner has wrongly been typed as Late Deolal Ray), Resident of Village - Barki Chanda, Police Station - Koilwar, District - Bhojpur, Bihar
 3. Durgawati Devi Wife of Prabhu Ray (In the impugned order husband's name of this petitioner has wrongly been typed as Durgawati Devi), Resident of Village - Barki Chanda, Police Station - Koilwar, District - Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2025 Heard Mr. Akash Kumar Mishra, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Koilwar P.S. Case No. 332 of 2024 for the offence under sections 126(2), 115(2), 118(1), 117(2), 109, 3(5) of the B.N.S. Act, 2023, lodged on 15.08.2024 by the informant, Sanjay Ray.

3. As per the prosecution story, informant alleged that due to family dispute, the elder brother of the informant



(accused herein) started abusing/assaulting. The allegation of using lathi/bhala is on the petitioners no.1 and 2 while throwing bricks is on petitioner no.3, this led to the injuries, whereafter the injured were shifted to Government hospital for treatment from where Arun Kumar was referred to Sadar Hospital, Ara. This led to the FIR.

4. Learned counsel for the petitioners submit that omnibus allegation is there against all the petitioners, it is a family dispute, scuffle took place which has been exaggerated.

5. Learned APP opposes the prayer submitting that perusal of the learned Sessions Judge order would show that Arun Kumar suffered fracture of greater wing of sphenoid left temporal and parietal bone. According to him the scuffle cannot lead to such injuries.

6. Taking into account the submissions of the parties as also that the allegation is there of using lathi and bhala against petitioners no.1 and 2, namely, Prabhu Ray and Sonu Kumar, no relief can be granted to them. Their anticipatory bail application stands rejected.

7. So far as petitioner no.3, namely, Durgawati Devi, is concerned, taking into account that she is a lady, allegation is of throwing bricks, she has no criminal antecedent, FIR was



lodged shall be facing the trial, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. Let the petitioner no.3 be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Koilwar P.S. Case No.332 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner no. 3 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.3 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner no.3 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no.3 shall desist from committing any criminal offence again, failing which the State shall be at



liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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