

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87166 of 2024

Arising Out of PS. Case No.-133 Year-2021 Thana- TELHARA District- Nalanda

Raja Kumar Son of Gopal Prasad @ Gopal Resident of Village - Wala Bigaha,
P.S. - Telhara, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi wife of Raju Prasad village- Wala Bigaha, Ps- telhara, Dist- Nalanda

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 87167 of 2024

Arising Out of PS. Case No.-133 Year-2021 Thana- TELHARA District- Nalanda

1. Vikash Kumar S/O Gopal Prasad @ Gopal Resident of Village - Wala Bigaha, Police Station - Telhara, District - Nalanda
2. Indu Devi W/o Gopal Prasad @ Gopal Resident of Village - Wala Bigaha, Police Station - Telhara, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi W/O Raju Prasad Resident of Village - Wala Bigaha, Police Station - Telhara, District - Nalanda

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 87166 of 2024)

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

For the State : Mr. Satyendra Narayan Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 87167 of 2024)

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

For the State : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 14-05-2025 As both these bail applications have arisen from the same

police station case number, hence, with consent of parties, they

are being heard together and disposed of by this common order.



2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 308, 504, 34 of the Indian Penal Code.

4. The allegation levelled in the FIR is that on 20.08.2021 at about 09:30 P.M., all of a sudden, a heated exchange took place between the parties and these petitioners started hurling abuses at the informant and when she objected to the same, petitioner Raja Kumar assaulted her by means of bricks due to which she sustained injuries on her nose and head.

5. Learned counsel for the petitioners submits that the allegations levelled in the FIR are not correct and the informant has levelled false allegations against her brothers-in-law and mother-in-law due to dispute within the family. It is also to be noted that the husband of the informant has not been made an accused in the present case and even according to her, she was taken to the hospital for treatment by the villagers and her father-in-law. So far as the allegation on petitioners Vikash Kumar and Indu Devi is concerned, it would be clear from perusal of the FIR itself that the same were confined to mere hurling abuses. It is further submitted that although there is



allegation against the petitioner Raja Kumar to assault the informant by means of bricks, it is evident from para 10 of the bail application that the injury caused by him to the informant was found to be simple in nature.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the abovementioned facts and circumstances and particularly that nothing specific has been attributed against the petitioners and also the nature of the injury sustained by the informant, I am inclined to grant the privilege of anticipatory bail to the petitioners who have no criminal antecedent. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Telhara P.S. Case No. 133 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

8. However, the learned Court below is directed to verify the fact with regard to the injury sustained by the informant whether it is simple or grievous and if it is found that the informant has sustained grievous injury, the learned Court below



would take steps to cancel the bail bonds of the petitioner Raja Kumar. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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