

In the Court of Addl. Sessions Judge II, Aurangabad

A.B.P No. 582/26

Obra PS case no. 275 /25

(Pratima Kumari & others v/s State of Bihar)

Counsel for the petitioner – Shree Sanjay Kumar-II (Advocate).

Counsel for the State – Shree Anil Kumar-II (A.P.P.).

Present – Anindita Singh

Addl. Sessions Judge II

Aurangabad

23.3.26 -An application for anticipatory bail filed on behalf of accused petitioners namely 1. Pramita Kumari & 2. Dolly Kumari who are apprehending their arrest in connection with Obra PS case no. 275/25 u/s 190, 191(2), 115(2), 126(2), 117(2), 109(1), 74, 352, 351(2), 303(2) & 27 Arms Act BNS has been pressed today for hearing.

Heard Ld. Counsel of the petitioners as well as Ld. APP.

One Vijendra Singh is the informant of the case who has filed a written report in Obra Police Station alleging therein that on 2.8.25 at 8:00 PM when he was at his door then the present petitioners along with other 10-12 FIR named accused persons came there with lathi-danda, bhala in their hand. On the query of the informant co-accused Anil Singh gave one iron weapon blow on his head. On hearing hulla the other members of the family came out of the house then Sunil Singh assaulted Munarik Singh with iron rod Anil Yadav and Munil Singh assaulted Manish Kumar with khanti on his head. Puja Devi was pushed down by Sanjay and Dhananjay Yadav. Rahul Kumar snatched the gold chain of Aarti Devi and assaulted her with hockey stick. Further allegation of opening firing has been made against the co-accused Anil Singh.

While pressing the bail petition it has been submitted by the Ld. Counsel on behalf of the petitioner is that the petitioners are quite innocent and has committed no offence whatsoever alleged in the present case. The petitioners have not moved any other anticipatory or regular bail either before the Hon'ble High Court or before this Court. There is no criminal antecedent of the petitioners and they have been falsely implicated in this case due to civil dispute and village politics. As a matter of fact, present informant Vijendra Singh and his family members brutally assaulted the petitioners and their family members with deadly weapons for which case has been filed bearing no. Obra PS case no. 276/25 u/s 109 BNS along with other sections. There is also civil dispute between the parties for which proceedings is going on u/s 163 BNSS in the court of SDM, Daudnagar. Neither of the victim of the present case has sustained any serious injury. No evidence has been found regarding firing on the PO by the co-accused Anil Singh. The informant Vijendra Singh has lodged this false case to save his skin from counter case. Both the parties are gotias and in the counter case some of the female accused persons have been given privilege of anticipatory bail and earlier co-accused Munil Yadav has been allowed bail vide ABP No. 2267/25 and other co-accused persons Anil and Sanjay Yadav have also been given privilege of bail vide BP No. 1169/25. Accordingly, prayer has been made to enlarge the petitioners on anticipatory bail .

On the other hand Ld. A.P.P. on behalf of the State opposed the prayer of bail however fairly conceded the fact that the petitioners are female and there is case and counter case between the parties for the occurrence of same date.

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Heard and perused the case record as well the as case diary attached in ABP no. 2287/25 which has been produced by the office today for the purpose of the hearing of the bail, which is available in total 63 paragraphs till 28.8.25 including the primary injury reports and the supplementary injury reports of the victims. No up to date case diary has been adduced by the Ld. APP. The present petitioners are named in the FIR. The thrust of allegation against the present petitioners is of assaulting the informant and his family members with other co-accused persons by means of lathi-danda, iron rod, hockey stick and getting them injured. However, it is very evident from the FIR itself that the petitioners and other accused persons reached at the place of occurrence one by one. There is specific allegation against the co-accused Sunil Singh of assaulting of Munarik Yadav, Manish Kumar and against Anil & Munil there is specific allegation of pushing down Puja Kumari with bad intention. The informant in his re-statement in paragraph no. 2 and other witnesses in paragraph no. 3, 4, 10 of the case diary have supported the case, however, there is no injury report of Manish Kumar present in the case diary and para no. 36 of the case diary shows that Puja Kumari, Vijendra Singh, Munarik Singh, Mallu Kumar and Rishi Kumar were treated only. The primary and supplementary injury reports of these victims shows that simple injuries have been found on their person. Against the present petitioners there is no specific allegation of assaulting any member for informant party at all. Both the parties are agnates and there is case and counter case between the parties for the occurrence of the same date which is evident from the copy of the FIR bearing Obra PS case no. 276/25 filed along with bail petition which is also filed u/s 109 BNS along with other sections and in the counter case some of the co-accused persons have given the privilege of pre-arrest bail. The petitioners are females and bears no criminal antecedent as per para no. 3 of the bail application. Earlier some similarly situated accused persons have also been allowed bail vide ABP no. 2267/25 BP No. & 1169/25 by this court.

Considering the entire facts and circumstances of the case, nature of allegation and case and counter case between the parties, I consider it a good case for the grant of anticipatory bail to the present petitioners. Accordingly, they, in the event of their arrest/surrender in the Court within four weeks from the date of the receipt of copy of this order, is directed to be released on bail on furnishing bail-bond of Rs. 20,000 with two sureties of the like amount each to the satisfaction of the learned concerned court subject to the conditions as laid down under Section 482(2) of BNSS.

Sd/-
(Anindita Singh)
Addl. Sessions Judge -II