

In the Court of Principal District & Sessions Judge, Jehanabad.

A. B. P. No. 76/2025

Manish Kumar and Anr. Vs. The State of Bihar

- 1. Manish Kumar, Son of- Late Chhote Paswan.
2. Chitrrekha Devi @ Chitrlekha Devi, Wife of- Late Chhote Paswan.
Both R/o Vill.- Betauli (Jagatpur), P.S. Hulasganj, District- Jehanabad.
.....Petitioners

Vrs.

The State of Bihar Opposite Party

For the petitioners:- Sri Sanjay Kumar Ray, Ld. Advocate
For the O. P. (State):- Sri Surendra Prasad Singh, Ld. P. P.

Present : Brajesh Kumar,
Principal District and Sessions Judge,
Jehanabad.

ORDER

29.01.2025

Heard the learned counsel for the petitioners and the learned P. P for the State on the anticipatory bail petition filed on behalf of the accused/petitioners Manish Kumar and Chitrrekha Devi @ Chitrlekha Devi, who are apprehending their arrest, in connection with, Hulasganj P.S. Case No. 01-2017 for offences under Sections 341, 323, 307, 504/34 of the IPC.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have committed no offence and they have been falsely implicated in this case. It is further submitted that no other bail application either anticipatory or regular has been filed on behalf of the petitioners either before this court or before the Hon'ble High Court, Patna nor the same is pending anywhere and the petitioners have got no criminal antecedent. It is further submitted that the petitioners were given benefit of Section 41(1) of Cr.P.C. and after investigation, the police have submitted charge-sheet against these petitioners for offences under Section 341, 323 and 504/34 of the IPC but the learned Court below took cognizance by adding Section 307 of the IPC against them. At last, prayer for anticipatory bail has been made.

On the other hand, the learned P. P. has opposed the prayer for anticipatory bail.

Stated in brief, the case of the prosecution as per the written application of the informant namely, Jai Ram Paswan is that on 02-01-2017, at about 12 'o' clock, when the informant was ploughing his

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field in the meantime, the petitioners and co-accused persons assaulted the informant. It is alleged that the petitioner Chitrarekha Devi @ Chitrlekha Devi assaulted the informant's wife by means of *Lathi* and the petitioner Manish Paswan assaulted the informant by means of *Lathi* as a result of which he sustained injury on his head and hand. Accordingly, the F.I.R. has been registered.

Perused the record. On perusal of record, it appears that this case is of the year 2017 and cognizance in this case has been taken on 02-05-2019 and thereafter, processes of summons, B. W., N. B. W. and process under section 82 Cr. P. C. have been issued against the accused petitioners. But, the accused petitioners have evaded the process of law for a long time and process under section 82 Cr.P.C. has already been issued against the accused petitioners. So, it is not a fit case for anticipatory bail.

Considering the above noted facts and circumstances of the case, I am not inclined to grant anticipatory bail to these petitioners and accordingly, this anticipatory bail petition is hereby rejected.

(Dictated)

(Brajesh Kumar)

Principal District and Sessions Judge

29.01.2025