

IN THE COURT OF THE SESSIONS JUDGE, SAHARSA
Anticipatory Bail Appl. No. 754/ 2022

1. Nikita Kumari, 2. Zyoli Devi, 3. Muni Devi and 4. Arti Kumari.....petitioners	Versus	The State of Bihar
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ORDER

09.11.2022: Apprehending their arrest in connection with Bakhtiyarpur P. S. Case No.409/2022 dated 08.09.2022 registered for committing offence under Sections 447, 448, 341, 342, 323, 324, 354, 307, 379, 504/34 of the Indian Penal Code, this anticipatory bail application has been filed on behalf of above named four accused-petitioners pending in the court of Ld. C.J.M., Saharsa which is pressed.

2. Heard Sri Upendra Jha, Learned counsel for the petitioners, Sri R. P. Yadav, Ld. P. P. for the State and perused the case record.

3. The prosecution case, as per written report of informant-Sonu Kumar, in brief, is that on 05.09.2022 at about 6:30 O'clock, the mother of the informant, Reeta Devi came out of the house for feeding cow calf then (1) Ranjit Choudhary, (2) Subhash Kumar choudhary, (3) Aarti Kumari, (4) Nikita Kumari, (5) Bisheshwar Choudhary, (6) Munni Devi, (7) Jyoti Devi entered into his house armed with lathi, danda, khanti iron rod abused. Accused-Ranjit Choudhary assaulted his mother by firsts and slaps and the accused persons slammed her mother by catching her hairs thereafter her mother was surrounded and assaulted by them. Accused-Subhash Kumar Choudhary took out ear ring worth Rs. 26,000/-. On alarm his father and other relatives came there. Accused-Yogendra Choudhary assaulted his father by khanti due to which he fell down became unconscious. Accused persons, Subhash Kumar Choudhary and Bisheshwar Choudhary assaulted his brother Chandra Kumar by lathi at his head. Accused persons also assaulted him by lathi danda. Accused-Ranjit Choudhary and Subhash Kumar choudhary tornd the apparel of her sister-Neha Kumari due to which she became naked and teased her sister. The miscreants took out silver chain worth Rs. 5500/-. On alarm nearby people assembled there and pacified the matter. The injured persons were brought to the PHC, Bakhtiyarpur from where his brother and father were referred to Sadar Hospital Saharsa for better treatment.

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4. It has been urged on behalf of the accused there is three days delay in lodging the FIR for which there is no explanation. Further submitted that there is case and counter case between the parties vide Bakhtiyarpur P. S. Case No. 425/2022 on 13.09.2022 while the occurrence is said to have been taken place on 06.09.2022 which has been filed by petitioner no.3-Munni Devi. There is no specific allegation of assault and overt act against these petitioners rather specific allegation of assault and overt act against co-accused-Ranjit Choudhary who is not petitioner in this case. Further urged that petitioner no.1 is student and both parties are related to each other. Further urged that except allegation under Sections 307, 379 and 354 of IPC remaining offences are bailable in nature and except injury on the person of the victim-Yogendra Choudhary has been kept reserved remaining injuries found on the persons of the victims have been found to be simple in nature and petitioners bear no criminal history. The investigation is going on. Therefore, they may be given the benefit of anticipatory bail.

5. The learned P. P. for the State has opposed the prayer for bail but has conceded that there is no specific allegation of assault or overt act against these petitioners rather specific allegation of assault and overt act against co-accused-Ranjit Choudhary who is not petitioner in this bail application. Further conceded that petitioners are ladies and except injury on the person of the victim-Yogendra Choudhary has been kept, remaining injuries have been found to be simple in nature. Lastly conceded that there is three days delay in lodging the FIR and petitioners bear no criminal history and investigation is going on.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegation against petitioners and they are ladies and considering the fact that petitioners bear no criminal history and there is case and counter case between the parties therefore, prayer of anticipatory bail stands allowed. In the event of their surrender/arrest within four (4) weeks from the date of receipt/production of the copy of this order, petitioner is ordered to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of like amount subject to the conditions as laid

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down under section 438 (2) of Cr.P.C with further condition that petitioners shall cooperate in the investigation and shall remain physically present before I.O, whenever required. Besides that they shall remain physically present before the court after cognizance till framing of charge after that do proper *pairvi* in court on each and every date fixed in the case. In the event of failure to appear before court on two consecutive dates without showing any cogent reason, the informant/prosecution will be at liberty to cancel bail bond of the petitioners.

Dictated & corrected by me

Sd/-

Sessions Judge,