

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23904 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- Benibad District- Muzaffarpur

1. Phulo Devi wife of Jitendra Rai Resident of village- Bharath Nagar, PS- Benibad, District -Muzaffarpur
2. Jitendra Rai son of Late Garbhu Rai Resident of village- Bharath Nagar, PS- Benibad, District -Muzaffarpur
3. Kamod Kumar son of Mr. Jitendra Rai Resident of village- Bharath Nagar, PS- Benibad, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh
: Mr. Ritwik Thakur
For the Opposite Party/s : Mr. Jitendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 126(2)/115/117/109/75/303(2)/352/351(2) and 3(5) of the BNS.

3. As per the prosecution story, the informant on 09.09.2024, when the sister-in-law, Shama Devi was out to attend nature's call, the accused persons intercepted and made comments. As she raised alarm, subsequently informed the family members, allegation is that the accused persons armed variously came and after abuse, the assault. Jitendra Rai and Kamod Kumar (petitioners No. 2 and 3 respectively) assaulted with *farsa* and rod causing injury on the head and the right



hand. Phulo Rai and Ranjeet Kumar assaulted Mithilesh Rai with iron rod on the head while petitioner No. 1, Phulo Devi assaulted the mother of the informant causing injury on the back. Phulo Devi also assaulted his mother. Besides this, there is allegation of taking away the amount, they resorted to dial 112 whereafter they were shifted to SKMCH, Muzaffarpur for treatment.

4. Learned counsel for the petitioner submits that there is case and counter case, both being side by side, the accused side have also suffered and subsequent statement before this police during the investigation is of omnibus in nature save and except Jitendra Rai. The petitioners have no criminal antecedent.

5. Learned A.P.P. Mr. Jitendra Kumar on the other hand has taken this Court to the injury report that has come as part of the case dairy to show that injury on Ram Prawesh Ray, the informant, has been found to be grievous in nature i.e. attributed to petitioners No. 2 and 3 namely Jitendra Rai and Kamod Kumar. So far as assault of Phulo Devi is concerned, the injury on the mother of the informant has been found to be simple in nature.

6. Considering the submissions of the parties as also



the materials on record as the petitioner 1 and 2 namely Jitendra Rai and Kamod Kumar is/are concerned, the same stands rejected. So far as the petition with regard to petitioner No. 1 (Phulo Devi) is concerned, the injury has been found to be simple in nature and she has no criminal antecedent, she is a lady, in that background, her bail application is allowed.

7. Let the petitioner No. 1 (Phulo Devi) (*except petitioners No. 2 and 3*), in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like in connection with amount each to the satisfaction of the learned Additional Chief Judicial Magistrate X, (East) Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his/her



bail bond by the Trial court itself;

(iii) the petitioner 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 his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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