

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35465 of 2016

Arising Out of PS.Case No. -91 Year- 2016 Thana -AKBARPUR District- NAWADA

1. Anuj Kumar, Son of Late Lakhan Mahto.
2. Aarti Devi, Wife of Panna Lal Prasad @ Panna Lal
3. Nitish Kumar, Son of Surendra Prasad All are resident of Village-
Ningari, P.S.- Akbarpur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. M. Dayal, APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-09-2016

Heard the Counsel for the petitioners and Mr. M.

Dayal, APP for the State.

Petitioners are facing prosecution under sections
341, 323, 447, 307, 427, 504 and 506/34 of the Indian Penal Code
vide Akbarpur P.S. Case No. 91 of 2016.

It is alleged that these three petitioners on the date of
occurrence intruded into the house and started assaulting the
informant. The informant received grievous injury. When the wife
of the informant came, it is alleged that they also assaulted her.
Further it is alleged that they committed theft of ear ring.

Contention of the petitioners is that the injury
sustained by the informant does not support the prosecution case.
On minor issue, the occurrence is said to have been committed. No

criminality can be attached. Petitioner no. 2 is said to have assaulted the wife who has received only superficial/minor injury.

Learned APP, on the other hand, opposed the prayer for bail on the ground that the informant has received grievous injury.

Looking to the nature of allegation, in my view, petitioner nos. 1 and 3 do not deserve anticipatory bail. Their prayer for bail is rejected.

In the event of arrest or surrender in the Court below within four weeks, the petitioner no. 2 namely Aarti Devi is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Nawada in Akbarpur P.S. Case No. 91 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioner and secure her arrest in
accordance with law.

Pankaj/-

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(Kishore Kumar Mandal, J)

