

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56806 of 2015

Arising Out of PS.Case No. -836 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. MUKTI SAH son of Late Bhikhari Sah,
 2. LAXMINIYA DEVI @ LATHMI DEVI wife of Mukti Sah, Both residents of village- Turkauliya Baswariya Tola, P.S.- Turkauliya District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ram Sumiran Roy(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 19-01-2016 Heard the Counsel for the petitioner and the APP for the State.

Petitioners are facing accusations in connection with Turkauliya P.S. Case No. 836 of 2014 (G.R. Case No. 6245 of 2014) registered under Sections 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Petitioners are husband and wife. The informant is the agnate. She has alleged that on the date of occurrence, she was assaulted by means of *farsa* twice on the head by petitioner no. 1. Petitioner no. 2 snatched the golden chain from her neck.

It has been submitted that the allegation against the petitioner no. 2 is merely ornamental. There is no injury report

available on record with respect to the incident.

Learned APP opposed the prayer for bail and submitted that there is clear allegation of assault twice on the head of the informant.

Considering the facts and circumstances of the case, the prayer for bail made on behalf of the petitioner no. 1 is rejected. He may surrender and seek regular bail.

So far as petitioner no. 2 namely Laxminiya Devi @ Lathmi Devi is concerned, in the event of arrest or surrender in the Court below within four weeks, she 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 Chief Judicial Magistrate, East Champaran at Motihari in Turkauliya P.S. Case No. 836 of 2014 (G.R. No. 6245 of 2014) 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 his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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