

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8614 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. PHOOL KUMARI DEVI W/o Awadhesh Kumar Singh R/o village- Nurullahpur Ward No. 6, P.S.- Khodawandpur, District- Begusarai
2. Awadhesh Kumar Singh S/o Late Rameshwar Mahto R/o village- Nurullahpur Ward No. 6, P.S.- Khodawandpur, District- Begusarai
3. Vikash Kumar S/o Awadhesh Kumar Singh R/o village- Nurullahpur Ward No. 6, P.S.- Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with Khodawandpur P.S. Case No. 233 of 2019 instituted for the offence under Section(s) 341,323,307,504,506/34 of the Indian Penal Code.

The prosecution case alleges that the petitioner No.1 assaulted the informant by iron rod and petitioner No.2 by spade. The petitioner No.3 is alleged to have held out threats to the informant.

The learned counsel for petitioners submits that petitioner



No.1 is a female, her husband who is petitioner no.2 and son who is petitioner No.3 have falsely been implicated in the instant case. It is submitted that much prior to the instant case which was instituted on 06.11.2019, the petitioner No.1 had instituted an FIR against the present informant on 06.06.2019 itself. In the said case, there was allegation against the informant that he has set ablaze the petitioners' house and indulged in theft of articles from the house of the petitioners. Submission is that the prosecution is intended with *mala fide* and based on extraneous consideration. The petitioners have no criminal antecedents.

The learned APP for the State opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the ACJM Begusarai, in connection with Khodawandpur P.S. Case No. 233 of 2019 subject to the conditions as laid down under Section 438(2) Cr.



P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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