

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35469 of 2020

Arising out of PS. Case No.-270 Year-2020 Thana- GOGRI District- Khagaria

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1. Shobha Devi @ Shobha Kumari, aged about 38 years (Female), W/o Jaikishor Singh Resident of Village - Baltara, P.S. - Gogri (Paura), District - Khagaria.
 2. Prem Kumar, aged about 21 years (Male), S/o JaiKishor Singh Resident of Village - Baltara, P.S. - Gogri (Paura), District - Khagaria.
 3. Jaikishor Singh, aged about 50 years (Male), S/o Late Bishundev Singh Resident of Village - Baltara, P.S. - Gogri (Paura), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Binod Kumar, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Gogri (Paura) PS Case No. 270 of 2020 dated 20.07.2020, instituted under Sections 341/323/354/504/506/379/34 of the Indian Penal Code.



4. The allegation against the petitioners is of abuse and assault on the informant and also of pressing the throat and taking away of gold ornament from her.

5. Learned counsel for the petitioners submitted that the parties are agnates and even the genesis of the incident is falling of earth on the passage and due to rain the informant had slipped and then it is alleged that the incident took place. It was submitted that no such incident took place as in the injury report, only pain and swelling on the right eye and redness has been found by the doctor. It was submitted that the parties are at loggerheads as earlier also they had lodged a case. Learned counsel submitted that the allegation of snatching of gold chain is cosmetic and petitioner no. 3 and husband of the informant are full brothers.

6. Learned APP submitted that the petitioners are causing trouble to the informant side and have also assaulted her in the present case. However, he did not controvert that the injury recorded by the doctor is only pain and swelling on the right eye and redness and the same has been caused by hard and blunt substance, in view of copy of the same having been brought on record by way of Annexure-2.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in Gogri (Paura) PS Case No. 270 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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