

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28244 of 2022

Arising Out of PS. Case No.-402 Year-2021 Thana- KHIJARSARAI District- Gaya

1. SUSHMA DEVI wife of Mahesh Yadav Resident of Village - Pandit Bigha, P.S. - Khizersarai, District - Gaya.
2. Urmila Devi Wife of Dhuri Yadav Resident of Village - Pandit Bigha, P.S. - Khizersarai, District - Gaya.
3. Rita Devi wife of Ganesh Yadav @ Manjhale Yadav Resident of Village - Pandit Bigha, P.S. - Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 323, 307, 337, 338, 353 and 504 of the Indian Penal Code.

According to the accusation, the petitioners are said to have abused and pelted bricks and stones from the roof on police officials while they were performing their official duty of raid, due to which they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent,



are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the petitioners happen to be house ladies and they have not assaulted the prosecution party in any manner. He further submits that the injury report itself suggests that the injuries are superfluous and simple in nature and also not sustained on any vital part of the person of the injured. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Khizersarai P.S. Case No. 402 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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