

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49210 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- CHHABILAPUR District- Nalanda

1. SHIVANI KUMARI D/o Awdhesh Paswan Resident of Village- Nekpur, P.S.- Chhabilapur, District- Nalanda.
2. Usha Devi W/o Manoj Paswan Resident of Village- Nekpur, P.S.- Chhabilapur, District- Nalanda.
3. Shila Devi W/o Awdhesh Paswan Resident of Village- Nekpur, P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 379, 307, 337, 504 of the Indian Penal Code.

According to prosecution case, in brief, is that informant Ajeet Kumar gave a written petition to the S.H.O., Chhabilapur police station and alleging therein that on 21.03.2022 the petitioners along with other co-accused came and started assaulting to his female family members, and when the informant and his father went to save them, they all



assaulted them by bricks and khanti causing injury to his father in his left leg. Sudhir Paswan and Manoj Paswan assaulted on forehead of the informant with bricks causing rupture injury in his forehead. Shivani Kumari caused cut injury in hand of his father with Pirdai (a sharp cut weapon) and Sudhir Paswan tore nighty of his sister and snatched her Mangalsutra and Jhumka. When the villagers arrived there, the accused persons fled away.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is no specific allegation of any assault or overt act against the petitioners and there is specific allegation of assault against co-accused person. He further submits that all the petitioners are the family members of the co-accused person.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, 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 learned Court below where the case is



pending in connection with Chhabilapur P.S. Case No. 44 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 cancelled 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.

3. 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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