

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3113 of 2023

Arising Out of PS. Case No.-382 Year-2022 Thana- SAKRA District- Muzaffarpur

1. Sanjay Kumar Ray, Son of Shiva Sagar Rai, R/O Vill.- Kumhara Pakar (Mirapur), P.S.- Sakra, Distt.- Muzaffarpur
2. Babita Devi, Wife of Sanjay Kumar Rai, R/O Vill.- Kumhara Pakar (Mirapur), P.S.- Sakra, Distt.- Muzaffarpur
3. Sangam Devi, Wife of Vikash Kumar Rai R/O Vill.- Kumhara Pakar (Mirapur), P.S.- Sakra, Distt.- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sakra P.S. Case No. 382 of 2022 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code. They have got one criminal antecedent.

As per the prosecution story, on 11.07.2022 at about 04:30 P.M., when the informant returned to her home after ploughing her self-purchased land, the petitioners along with some unknown persons came there and assaulted the husband of the informant by means of lathi, danda and farsa which caused



head injury to him. They also assaulted the informant causing head injury to her and when her younger son namely Vinod came to rescue her, he was also brutally assaulted by the FIR named accused persons and his finger got fractured and all the three persons became unconscious. Thereafter, the son of the informant snatched her golden mangalsutra and looted Rs.22,000/- from the box of the husband of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the dispute has arisen over a property and the present case is lodged by the father of the petitioner no.1.

Learned APP for the State has opposed the anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the dispute is over the property and the petitioner no. 1 is said to be the son of the informant whereas petitioner nos. 2 and 3 are the daughter-in-laws of the informant, they have got one criminal antecedent which is a case lodged by the husband of the informant, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Sakra P.S.



Case No. 382 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 12th ACJM, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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