

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9405 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- BARGAINIA District- Sitamarhi

1. SHAMBHU PRASAD Son of Late Shri Bhagwan Prasad R/o village - Jamua, P.S.- Bairgania, District - Sitamarhi
2. Anita Devi Wife of Shambhu Prasad R/o village - Jamua, P.S.- Bairgania, District - Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate
For the Opposite Party/s : Ms.Anita Kumari, 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 Bairgania P.S. Case No. 322/2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 03.11.2022 at 9:00 A.M. all the accused persons, due to dispute of Gharari land, abused and assaulted him by means of iron rod, lathi and danda. When his daughters came to rescue him petitioner Shambhu Prasad assaulted them with iron rod.



Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. There is land dispute between the parties and counter case also.

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

Having regard to the facts and circumstances of the case, the kind of injuries noted in the impugned order and the specific allegation against petitioner no. 1, this court is not inclined to grant privilege of anticipatory bail to petitioner no. 1.

Prayer for anticipatory bail of the petitioner no. 1 is, thus, refused.

However, petitioner no. 2 who is the wife of petitioner no. 1 and she has no criminal antecedent, this Court, therefore, directs that in case of her arrest/surrender within a period of four weeks from today, let the petitioner no. 2 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgani P.S. Case No. 322/2022, 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 petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

(Rajeev Ranjan Prasad, J)

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