

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6447 of 2023

Arising Out of PS. Case No.-486 Year-2022 Thana- AMARPUR District- Banka

1. SUBHASH RAI Son of Late Muneshwar Rai @ Arjun Rai Resident of village - Bhaluwa, Police Station - Amarpur, District - Banka.
2. Gita Devi Wife of Subhash Rai Resident of village - Bhaluwa, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 10.09.2022 and 08.09.2022 in connection with Amarpur P.S. Case No. 486 of 2022, F.I.R. dated 03.09.2022 for the offences punishable under Sections 341, 323, 325, 307, 302/34 of the Indian Penal Code.

According to prosecution case, in brief, is that on 01.09.2022 at about 12.10 P.M. according to the fardbeyan of informant Radha Devi is that on 30.08.2022 at about 11.00 A.M. accused persons Subhash Rai, Rani Devi and Gita Devi entered into the Mango Bagicha of informant. Then, informant and her



husband Nakul Rai opposed the same and tell them to took away cow from here but they did not do that. On this all the said accused persons assaulted with lathi, danda and iron rod to the informant's husband and severely injured him due to this her husband fallen on the ground. Then she went to save her husband and they also assaulted her and broken the head and blood oozed out. On hulla populace gathered and on seeing them, all the said 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 the allegation as alleged in the F.I.R. is false and fabricate and due to petty reason the occurrence has taken place. He further submits that there was no intention to kill the husband of the informant and it appears from the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 10.09.2022 and 08.09.2022 respectively.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Chief Judicial Magistrate, Banka/successor Court, Banka in connection with Amarpur P.S. Case No. 486 of 2022, subject to 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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