

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14122 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- ISUAPUR District- Saran

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1. Anita Devi Wife of Parmeshwar Ram @ Bhuar Ram R/v- Agauthar Nanda, P.S.- Isuapur, District- Saran (Chapra)
 2. Parmeshwar Ram @ Bhuar Ram Son of Late Shivpujan Ram R/v- Agauthar Nanda, P.S.- Isuapur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra
Mr. Sachida Nand Rai, Advocates
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seeks bail, who are in custody since 28.06.2022, in connection with isuapur P.S. Case No. 140 of 2022, F.I.R. dated 27.06.2022 registered for the offences punishable under Section 341, 342, 323, 324, 307, 504, 302/34 of the Indian Penal Code.

Allegation against the petitioners is that they caught hold the sister of the informant Chinta Devi (deceased) and co-accused Vikky Kumar had assaulted the deceased with daab on her head with a view to kill her due to which the sister of the informant was declared dead in Sadar hospital, Chapra.

Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that there is no accusation of any assault or overt act against the petitioners rather it appears from the F.I.R. that the petitioners caught hold the sister of the informant and co-accused namely Vikky Kumar had assaulted the deceased with daab on her head. He further submits that there is direct allegation against co-accused Vikky Kumar rather there is no accusation of any assault or overt act attributed against the petitioners and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 28.06.2022.

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

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Chapra, District- Saran in connection with Isuapur P.S. Case No. 140 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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