

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15747 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

1. MANJU DEVI WIFE OF SANJAY PANDIT R/O VILLAGE -RAJEPUR
P.S- SAHEBGANJ DISTRICT -MUZAFFARPUR
2. PRAMILA DEVI WIFE OF NAGESHWAR PANDIT R/O VILLAGE
-RAJEPUR P.S- SAHEBGANJ DISTRICT -MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners apprehend their arrest in connection with Sahebganj P.S. Case No. 120 of 2022 for the offence registered under Sections 341, 323, 447, 302 and 504/34 of the Indian Penal Code lodged on 27.03.2022 by the informant, Munni Devi.

The brief facts of the case is that on the alleged date of occurrence in the morning, some hot exchange took place due to baby goat. It is alleged that in the evening at about 07.30 pm, the FIR named eight (8) accused persons including the petitioners came, started dragging and assaulting Lalita Devi,



the daughter in law of the informant. In the meantime, the husband of the informant came and tried to cool the matter but the accused persons assaulted the husband of the informant as well as the informant.

It is further alleged that accused Sanjay Pandit assaulted the husband of the informant namely Harinandan Thakur on back portion of head by means of "*Fatta*" as a result of which he fell down and thereafter, accused Dipak Pandit assaulted on chest by means of '*stick*' as a result thereof the husband of the informant became senseless. Accused persons sensing that the husband of the informant died, fled away. The injured was brought in a private clinic situated in village Sahmalwa but the doctor declared him dead. The prosecution party returned to the place of occurrence and the police was informed who came the FIR lodged.

Learned counsel for the petitioners submit that the main role of assault has been attributed upon Deepak Pandit and Sanjay Pandit. So far as these petitioners are concerned, omnibus role has been attributed to them. Further submission is that they do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the fact that both the petitioners are lady,



omnibus allegation is against them and they have no criminal antecedent, this Court is inclined to grant them privilege of bail

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st (West) Muzuffarpur in connection with Sahebganj P.S. Case No. 120 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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