

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17803 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- RAGHOPUR District- Vaishali

Lalmati Devi, Wife of Siyalal Ram @ Siyalal Rai R/V- Naya Tola, Raghapur,
P.S- Bakhtiyarpur, Dist- Patna, Present r/v- Rustampur, Tinpariya, P.S-
Rustampur O.P. Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Raghapur (Rustampur O.P.) P.S. Case No.163 of 2022
instituted under Sections 304/34 of the Indian Penal Code
lodged on 23.05.2022 by the informant Kantlal Rai.

As per the prosecution story, on 23.05.2022 all the
accused persons named in the FIR including the accused
petitioner assaulted the informant and others and pelted bricks,
stones. The informant's side also pelted stones and bricks due to
which both parties sustained injuries. On the same day at about
8 PM, all the accused persons again attacked the house of the
informant and with intent to kill started pelting bricks and
stones, which hit to the grand son of the informant namely
Ashok Kumar causing his unfortunate death. Accordingly, the



FIR.

It has been contended by the learned counsel for the petitioner that from FIR itself it is clear that there was no intention and merely due to scuffle, some stone pelting took place which resulted into the unfortunate death of the child. Further in a zeal to rope everyone, even the female inmates have also been implicated.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that a child has died in this stone pelting.

Taking into account the fact that the other accused persons have also been named in the FIR, the petitioner is a lady having no criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Raghapur (Rustampur O.P.) P.S. Case No.163 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C. with further conditions that:

(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 will make her available to the police as and when required in course of investigation;

(iii) 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;

(iv) 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 the bail bonds;

(v) 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)

Prakash Narayan /
Sunil

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