

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18366 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- ALIPUR District- Gaya

1. Sanjay Ram @ Sanjay Kumar @ Sanjay Son Of Late Ramashish Ram Resident Of Village - Alipur, P.S. - Alipur, Distt. - Gaya. At Present Reside At Haridwar, P.S. - Haridwar, Distt. - Haridwar (Uttarakhand)
2. Punam Devi Wife Of Sanjay Ram @ Sanjay Kumar @ Sanjay Resident Of Village - Alipur, P.S. - Alipur, Distt. - Gaya. At Present Reside At Haridwar, P.S. - Haridwar, Distt. - Haridwar (Uttarakhand)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-06-2023 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 Alipur P.S. Case No. 19/2022 registered for the offences punishable under Sections 341, 323, 307, 448, 504, 506/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 13.02.2022 at about 7:30 P.M. in the evening all the four F..R. named accused persons including the petitioners entered into the house of the informant within intention to kill his brother, mother and father and started abusing them and



assaulted his father, mother and brother on their head by Axe (Tangi) as a result of which they sustained head injury and thereafter all the accused persons fled away.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is no any specific allegation of assault against the petitioners. Both the parties are gotias and there is land dispute also between them.

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 wherein the allegations of assault made against the four named accused persons, considering the injuries of the three persons, this Court is not inclined to grant pre-arrest bail to petitioner no. 1.

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

In case, petitioner no. 1 surrenders in the learned court below and prays for regular bail within a period of four weeks from today, his prayer shall be considered on it's own merit and on the parameters which are applicable for grant of regular bail without being prejudiced by the order of this Court.



So far as petitioner no. 2 is concerned, considering that she is a female member of the family and there are chances of false implication, 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) each with two sureties of the like amount each to the satisfaction of Miss Priyanshu Sharma, learned Judicial Magistrate - 1st Class, Gaya in connection with Alipur P.S. Case No. 19/2022, 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)

Rajeev/-

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