

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19076 of 2023

Arising Out of PS. Case No.-544 Year-2022 Thana- DARIYAPUR District- Saran

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1. Kaushalya Devi W/O Mahendra Sahni Resident Of Village- Ghuroho, Kothiya P.S.- Dariyapur, District- Saran At Chhapra.
 2. Mahendra Sahni S/O Late Sarwan Sahni Resident Of Village- Ghuroho, Kothiya P.S.- Dariyapur, District- Saran At Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 19.12.2022 in connection with Dariyapur P.S. Case No. 544 of 2022, F.I.R. dated 03.10.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 504, 506, 447, 307 and 302 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant and his family members. It is further alleged that the co-accused, namely, Babloo Sahini assaulted the mother of the informant by means of *daab* due to which she sustained injury



resulting into her death.

4. 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 from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against these petitioners. He further submits that as per the allegation in the F.I.R, petitioner, namely, Mahendra Sahini along with one Tuntun Sahini caught hold of the deceased and the co-accused, namely, Babloo Sahini has assaulted her by means of *Daab*. He further submits that there is no accusation of any assault or overt act attributed against the petitioner no. 1, namely, Kaushalya Devi. The petitioners are in custody since 19.12.2022.

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

6. 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 Additional Chief Judicial Magistrate 13th, Saran at Chhapra in connection with Dariyapur P.S. Case No. 544 of



2022, subject to the following conditions:-

i. 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.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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