

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25354 of 2023

Arising Out of PS. Case No.-444 Year-2022 Thana- BAISI District- Purnia

1. Shahadati @ Shahdati D/O Shahadat Resident Of Village Sugwa Mahanandpur, Ps- Baisi, Distt- Purnea
2. Arsadi Wife Of Shahadat Resident Of Village- Sugwa Mahanadpur, Ps- Baisi, Distt- Purnea
3. Sube Kedar @ Sube Kadar Sahadat Resident Of Village- Sugwa Mahanadpur, Ps- Baisi, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since
16.11.2022 in connection with Baisi P.S. Case No. 444 of 2022,
F.I.R. dated 12.11.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, the petitioners along
with one other accused persons have assaulted the informant



and her husband. It is further alleged that one accused Shahdat has assaulted the husband of the informant by means of solid wooden stick and slammed her husband on the ground and the petitioners caught hold the hands and legs of her husband.

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 it appears from the F.I.R. that the specific allegation of assault is attributed against the co-accused person, namely, Shahadat and the allegation against the petitioners is that they have caught hold hands and legs of the deceased. He further submits that there is no allegation of assault or overt act attributed against the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 16.11.2022.

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

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 Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case



No. 444 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 bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 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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