

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22760 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- DESARI District- Vaishali

1. Nilam Devi W/O Rama Thakur @ Ramanand Thakur Resident of Village-Toi Math, P.S.- Desari (Sahdei O.P.), District- Vaishali.
2. Pravin Kumar @ Jhiga Kumar S/O Rama Thakur @ Ramanand Thakur Resident of Village- Toi Math, P.S.- Desari (Sahdei O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv.

For the Opposite Party/s : Mr.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Desari (Sahdei OP) P.S. Case No.289 of 2022, registered for the offence punishable under Sections 341, 323,324,307, 504 and 506/34 of the Indian Penal Code.

While the accused, namely Rama Thakur @ Ramanand Thakur was going to throw cow dung, the informant raised an objection, whereafter, it is alleged that Rama Thakur @ Ramanand Thakur along with family members, including the petitioners have indiscriminately assaulted the informant's son and daughters in-law.



Learned counsel for the petitioners submits that the allegation is false. No such occurrence has taken place. The petitioners are having no antecedents.

Learned APP for the State has opposed the prayer for pre- arrest bail. She has submitted that injury report shows grievous injuries being sustained by son of the informant whereas the informant has also sustained injuries, but simple in nature.

Considering the rival submissions, nature of allegation of indiscriminate assault as also the injury report, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel on behalf of the petitioner No.1, namely, Nilam Devi, being a female family member of the accused side aged about 52 years. Prayer for bail made on er behalf is allowed.

Accordingly, let the petitioner No.1, namely, Nilam Devi, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IX Vaishali at Hajipur, in connection with Desari (Sahdei OP) P.S. Case No.289 of 2022, subject to the conditions



as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner No.1 who will give an affidavit giving genealogy as to how he is related with the petitioner No.1. The bailor will also undertake to inform the court if there is any change in the address of the petitioner No.1.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

Insofar as the petitioner No.2, namely, Pravin Kumar @ Jhiga Kumar is concerned, this Court, having regard to the nature of allegations and injury, is inclined to accept the submissions advanced by the learned APP. Prayer for anticipatory bail made on behalf of the petitioner No.2 is rejected.

(Madhuresh Prasad, J)

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