

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29622 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- MALSALAMI District- Patna

1. SUNITA DEVI Wife of Suresh Prasad Yadav Resident of Mohalla - Purvi Nandgola, Police Station - Malsalami, District - Patna.
2. Puja Kumari Daughter of Suresh Prasad Yadav Resident of Mohalla - Purvi Nandgola, Police Station - Malsalami, District - Patna.
3. Naresh Rai Son of Amarnath Rai Resident of Village - Bigrahpur, Police Station - Jakkanpur, District - Patna
4. Satish Kumar Son of Naresh Rai Resident of Village - Bigrahpur, Police Station - Jakkanpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP
Mr.Pankaj, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioners and the learned APP for the State as well as learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Malsalami P.S. Case No. 590 of 2022 registered for the offence punishable under Sections 341, 323, 354, 380, 452, 427, 504, 506 and 34 of the Indian Penal Code.

3. While the informant's husband was undergoing treatment at the hospital, it is alleged that the petitioners have entered into the house. Petitioner no. 1 claims to be the first wife



of the husband of the informant, and petitioner no. 2 claims to be his daughter. Petitioner nos. 3 and 4 are father and brother of petitioner no. 1 respectively.

4. Learned counsel for the petitioners submits that the allegation of assault is baseless, not supported by any injury. From the perusal of the F.I.R itself, it appears to be based on rivalry between 2 wives. Petitioner no 3 and 4 have antecedents, as per disclosure made in paragraph 3, which are irrelevant having regard to the nature of baseless allegations levelled in this case.

5. Learned APP and learned counsel for the informant have opposed the prayer for bail. It is stated that by name, the petitioners have been implicated and the offence has been committed while the informant's husband was hospitalized.

6. Considering the rival submissions, nature of allegations not supported by any injury and allegation being founded on the rival claim of the petitioner no. 1 and informant of being wife of Suresh Prasad, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M 1st Patna City in connection with Malsalami P.S. Case No. 590 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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