

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33371 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- KHIJARSARAI District- Gaya

1. CHINTA DEVI W/o Chitranjan Paswan Resident of Village - Akouni, P.s.- Khizersarai, Distt.- Gaya.
2. Jaymanti Devi W/o Mundarik Paswan Resident of Village - Akouni, P.s.- Khizersarai, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, A.P.P.
For the Informant	:	Md. Raisul Haque, Advocate Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2023 Heard Mr. Yogesh Chandra Verma, learned Senior Counsel for the petitioners, Md. Raisul Haque, learned counsel appearing on behalf of the informant and Mr. Manoj Kumar, learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 302, 307, 504, 506 of the Indian Penal Code and Section 4/6 of POCSO Act.

According to prosecution case, in brief, is that one



Mohi Paswan who is the informant of this case who has got a niece namely Ms. A, aged about 12 years and she went to attend call at nature in the morning of 12.02.2022. Accused namely, Mukesh Kumar was staring to Ms. A when she was attending call of nature. Ms. A objected such act of Mukesh Kumar and reported this matter to her maternal aunt namely, Kuman Devi. This Kumar Devi and her sister-in-law namely, Sushila Devi went to the house of Mukesh Kumar to lodge complain. But accused petitioners namely Chinta Devi and Jaymanti Devi alongwith other accused persons started abusing and assaulting both of them by leg and fist. In the meantime, Mukesh Kumar assaulted Sushila Devi by knife and Mukesh Kumar also inflicted several knife blow to Kuman Devi. Both Sushila Devi and Kumar Devi succumbed to their injuries and cousin of informant namely, Shankar Paswan was also assaulted by accused namely, Mundarik Paswan by means of danda on account of which he received head injury resulting into bleeding.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case because they are family member of the co-accused Mukesh Kumar. He further submits that it



appears from the F.I.R. that the F.I.R. in two parts, in first part there is general and omnibus allegation against all the accused persons including these petitioners and the second part, there is specific allegation against the co-accused namely, Mukesh Kumar who assaulted the victim and there is no allegation of any assault or overt-act against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner No.1 namely, Chinta Devi is in custody since 13.03.2022 and petitioner no.2 namely, Jaymanti is in custody since 15.03.2022.

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State have 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 Court below where the case is pending in connection with Khizer Sarai P.S. Case No. 108 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 tampers 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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