

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34624 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- DARIYAPUR District- Saran

1. SONA DEVI W/O BACHCHU RAY R/O Village- Badaki Bishahi, P.S- Dariyapur, Distt.- Saran.
2. Brij Mohan Ray S/O Kheyali Ray R/O Village- Badaki Bishahi, P.S- Dariyapur, Distt.- Saran.
3. Shivji Rai @ Kariman Ray S/O Rajendra Ray R/O Village- Badaki Bishahi, P.S- Dariyapur, Distt.- Saran.
4. Meera Devi W/O Brij Mohan R/O Village- Badaki Bishahi, P.S- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.2, submitting that during pendency of this application petitioner no.2 has been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.2 only.

5. Now this application survives for petitioner nos. 1, 3 &
4.



6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

7. Allegedly, all the FIR named accused including these petitioners are said to have entered the house of the informant and started abusing. They also assaulted the informant and his family members with deadly weapons. They tore clothes of Savita Devi and threatened to commit rape with her. They also snatched her ornaments and Rs. 30,000/-. They set the informant's house on fire.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner nos. 1 & 4 have one criminal antecedent, whereas petitioner no.3 has no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State opposed the prayer for bail.

10. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner nos. 1, 3



& 4 and the injuries were found simple in nature, let the above named petitioner nos. 1, 3 & 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Dariyapur P.S. Case No. 265 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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