

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47205 of 2023

Arising Out of PS. Case No.-44 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

1. Sushila Devi W/O Shri Ram Lakhan Ray R/O Village- Simri Ps. Vidhyapatinagar, Dist. Samastipur
2. Nutan Devi W/O Ajeet Kumar Ray R/O Village- Simri Ps. Vidhyapatinagar, Dist. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priyanka Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 29.03.2023, in connection with Sessions Trial No. 314 of 2023 arising out of Vidyapatinagar P.S. Case No. 44 of 2021, registered for the offences punishable under Sections 302, 307, 147, 148, 149, 341, 323, 504 of the Indian Penal Code.

3. The allegation against the petitioners is that they along with other accused persons have indiscriminately assaulted the informant's side. In the said occurrence, father of the informant died in the way to the hospital.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation of assault is attributed against co-accused Mukesh Ray and the petitioners are the female members of the family and due to admitted land dispute the present occurrence had taken place. He further submits that both the parties are agnates and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 29.03.2023.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Dalsinghsarai, Samastipur in connection with Sessions Trial No. 314 of 2023 arising out of Vidyapatinagar P.S. Case No. 44 of 2021, 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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