

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45495 of 2022

Arising Out of PS. Case No.-11 Year-2020 Thana- DIGHWARA District- Saran

1. Sarita Devi W/O Binod Rai R/o Village- Shitalpur Pirganj, P.S.- Dighwara, District- Saran at Chapra.
2. Binod Rai S/o Late Shivpujan Rai, R/o Village- Shitalpur Pirganj, P.S.- Dighwara, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioners and 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 341, 323, 302, 504/34 of the
Indian Penal Code.

According to prosecution case, in brief, is that one
Suga Devi (informant) alleging therein that on 09.01.2020 there
was quarrel between Shrawan Rai husband of the informant and
his brother Binod Rai and his brother's wife Sarita Devi and
both of them assaulted the husband of the informant with lathi,



danda and belna. It is further alleged that the police informed the informant and informant at the police station and she found her husband in treated condition at P.H.C. Dighwara from there Sharwan Rai referred to Sadar Hospital but on way to Chapra Sharwan Rai died. It is also mentioned in the F.I.R. that Sharwan Rai intoxicated due to drunken condition not stated anything to the police about the occurrence informant believed that her husband was done to death by her Bhaisur Binod Rai and her wife Sarita Devi.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the informant has filed U.D. Case No. 01 of 2020. He further submits that it appears from the F.I.R. that after thought the present F.I.R. has been instituted against the petitioners and it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 09.01.2020 but the present F.I.R. has been instituted on 11.01.2020 after the death of the husband of the informant. He further submits that during investigation except the statement of the informant, no other cogent material has come against these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners



and the petitioners are in custody since 09.09.2021.

The learned Additional Public Prosecutor for the State has 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 Dighwara P.S. Case No. 11 of 2020, 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 tamper 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)

mdrashid/-

U		T	
---	--	---	--

