

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59099 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Saroj Devi, W/O Vijay Chaudhary, Resident of village - Meerbigha, P.s. - Shekhopur Sarai, Distt. - Sheikhpura
 2. Kabita Kumari, D/o Vijay Chaudhary, Resident of village - Meerbigha, P.s. - Shekhopur Sarai, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Shekhopur Sarai P.S. Case No. 154 of 2022, registered on 21.09.2022 for the offences under Sections 147, 148, 149, 452, 341, 323, 325, 326, 307, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and other co-accused persons, variously armed, entered into the house of the informant breaking the doors. They assaulted the family members of the informant causing a number of injuries to them. The allegation against the petitioners is that they assaulted the husband and the father-in-law of the informant with bricks and also took



away some ornaments and cash from the house of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counter blast of Shekhopur Sarai P.S. Case No. 116 of 2023 against the husband of the informant and others. The present case has been lodged after much delay. For an occurrence of 13.07.2022, the complaint petition has been filed on 02.08.2022, thereafter the FIR has been registered on 21.09.2022 on the orders of the learned court below. Learned counsel further submits that the injury report of the informant shows simple injury and opinion has been reserved for injury of Naresh Chaudhary. Learned counsel further submits that no offence under Section 379 of IPC is made out against the petitioner and Section 307 of IPC has been added to make the case graver. Learned counsel further submits that the present case has been lodged by the informant only to save her family members from the earlier case lodged by the petitioner no.1. Learned counsel further submits that petitioners are ladies and they have got no criminal antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



earlier case of the petitioners coupled with simple injuries of the victims and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Sheikhpura/concerned court in connection with Shekhopur Sarai P.S. Case No. 154 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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