

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54708 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- SAHPUR District- Bhojpur

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1. Sahina Khatoon Wife Of Sadru Mian Resident Of Village - Kundesar, P.S. - Sahapur, District - Bhojpur
 2. Akhtari Khatoon Wife Of Mukhtar Mian Resident Of Village - Kundesar, P.S. - Sahapur, District - Bhojpur
 3. Saliman Khatoon Daughter Of Mukhtar Mian Resident Of Village - Kundesar, P.S. - Sahapur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 03.05.2023 in connection with Shahpur P.S. Case No. 292 of 2022, F.I.R. dated 11.08.2022 for the offences punishable under Sections 341, 323, 307, 302, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant and her husband was said to have been assaulted physically by the accused persons, and on this, her husband got dead.

4. Learned counsel for the petitioners submit that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R., it appears that there is direct and specific allegation against the petitioners. He further submits that co-accused person, namely, ***Sadru Mian*** has assaulted by means of an iron rod on the head of the husband of the informant. He further submits that there is general and omnibus allegation against these petitioners that they have assaulted the informant with slap and fist and there is no allegation of any assault or over act against these petitioners towards the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 03.05.2023.

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

6. 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – Ist, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 292 of 2022, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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