

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54283 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- SALIMPUR District- Patna

ANUPLAL RAY S/O GANGA SAGAR RAY R/O - GAYASPUR MAHAZI,
P.S. - SALIMPUR,

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAVITA SUMAN @ GAYATRI W/O KAMLESH YADAV R/O -
GAYASPUR MAHAJI, P.S. - SALIMPUR,

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55221 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- SALIMPUR District- Patna

MUKESH RAY son of Anuplal Ray R/o- Gram Gyaspur Po- Karauta Ps-
Salimpur Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Savita Suman @ Gayatri wife of Kamlesh Yadav Village- Gayaspur Mahaji
Ps- Salimpur dist- Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54283 of 2023)

For the Petitioner/s : Mr.Prerna Kant, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary,APP

(In CRIMINAL MISCELLANEOUS No. 55221 of 2023)

For the Petitioner/s : Mr.Prerna Kant, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

2. Since both the bail petitions are arising out of same
P.S. case no, hence they are heard together and are being
disposed of by this common order.



3. The petitioners are in judicial custody in connection with Salimpur P.S. Case No.134 of 2023 instituted under Sections 341, 323, 324, 307, 498(A), 504, 506 and 34 of the I.P.C. lodged on 08.06.2023 by the informant, Savita Suman Yadav.

4. The allegation in the F.I.R. is that the accused persons entered the room, abused and threatened to kill her. Further allegation is against the petitioner's brother, Kamlesh Yadav, of hitting her on her head causing injuries, the father-in-law dragged her by her hair and dashed her on the ground which resulted into loss of consciousness. When she regained consciousness, was dragged outside the house and as the locals objected to it, she could save herself and later herself treated at Bakhtiyarpur. Accordingly, the F.I.R.

5. Learned counsel for the petitioners submit that they are father-in-law and brother-in-law (Baisur). They have nothing to do with the quarrel between the couple, they cannot even think of assaulting their daughter-in-law, have remained in custody since 09.06.2023 (paragraph 10 of the bail petition) and further whether accepting the allegation and/or the outcome of the present petition, both the petitioners intend to pay Rs.10,000/- each to the informant lady to be handed over to her



through the concerned Court by way of Demand Draft issued by local State Bank of India.

6. Learned APP opposes the prayer for bail stating therein that the accused persons brutally assaulted the lady.

7. Considering the submissions put forward by learned counsel for the parties and after going through the petition, the two petitioners, who are father-in-law and brother-in-law remained in custody since 09.06.2023 and they do not have criminal antecedent, this Court is inclined to grant them privilege of bail subject to payment of Rs.10,000/- each by them to the informant and to be deposited and submitted before the concerned Court at the time execution of their respective bail bonds.

8. Let both the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Salimpur P.S. Case No.134 of 2023 to the satisfaction of learned Judicial Magistrate, Ist Class, Barh, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself,

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. The bail application stands disposed of.

(Rajiv Roy, J)

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