

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53539 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- DEV District- Aurangabad

NIKHIL KUMAR Son of Sri Birendra Singh @ Birendra Kumar Singh
Resident of village - Piparadih, P.S. - Deo, Distt. - Aurangabad, (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55411 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- DEV District- Aurangabad

NANDANI KUMARI D/o Uday Singh Resident of village - Khardiha, P.S. -
Deo, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53539 of 2023)

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 55411 of 2023)

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioners are in judicial custody in connection



with Deo P.S. Case No.143 of 2023 instituted under Sections 341,323,324,307/34 of the Indian Penal Code lodged on 17.06.2023 by the informant Kunti Devi.

As per the prosecution story, the informant has alleged that when his son was out to attend nature's call, the petitioner Nandani Kumari and his father Uday Singh as also Prabha Devi came to their house and Nandani Kumari assaulted on the neck by sword as a result whereof, he became unconscious. Further, allegation against this petitioner along with other accused persons is/are of using *lathi* causing injury to the informant's husband, Ram Prasad Singh on head. This led to lodging of the FIR.

Learned counsels for the petitioners in both the cases submit that only to exaggerate the case, the allegations have been made, the same is/are omnibus in nature and further, they have taken this Court to the order of learned Sessions Judge to show that the injury report was not annexed by the police in case diary and as such it can be easily construed that the injury sustained by the informant's side were not grievous.

Learned APP opposes the prayer for bail stating that so far as Nandani Kumari is concerned sword assault is there.

Taking into account the submissions put forward by



the learned counsel for the petitioners, the observations made by the learned Additional Sessions Judge, IIrd, Aurangabad, in which he has observed that the injury report has not been annexed by the police in the case diary, one of the petitioner is a lady, the second petitioner Nikhil Kumar is only 19 years of age, both do not have criminal antecedent, are in custody since 18.06.2023, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Deo P.S. Case No.143 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, 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.

(Rajiv Roy, J)

Prakash Narayan

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