

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57062 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- BACHHWARA District- Begusarai

1. Ganeshwar Ram, Son of Late Mangal Ram @ Mangal Ram, Resident of Village- Chamtha, Ward No. 10, Naika Tola, Patpar, P.S.- Bachhwara, Distt- Begusarai
2. Gagtarni Devi @ Jagtarni Devi, Wife of Ganeshwar Ram, Resident of Village- Chamtha Ward No. 10, Naika Tola, Patpar, P.S.- Bachhwara, Distt- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bachhwara P.S. Case No. 87 of 2023 registered for the offenses punishable under Sections 323, 341, 308, 325, 504, 506, 379 and 34 of the Indian Penal Code. The petitioners have no criminal antecedent.

3. As per the prosecution story, on 13.03.2023 at about 08:00 P.M. the informant was returning to his home after selling potato worth Rs.15,000/-. When he reached near Bhagwati Temple, his father (petitioner no. 1), his mother (petitioner no. 2), his brother and his sister-in-law stopped him



and snatched Rs.15,000/- from him. They also assaulted him when he tried to protest. His brother namely Ashok Ram assaulted him by means of axe due to which he sustained head injury. One Ganeshwar Ram assaulted him by lathi over his right leg causing fracture. His golden chakti was also found missing from his neck.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted that there is case and counter-case between the parties.

5. Learned counsel submits that as per Annexure '3', the injuries are said to be simple in nature. So far as petitioner no. 2 is concerned, there is no specific allegation against her of causing assault.

6. Learned APP for the State has opposed the prayer for bail of the petitioners.

7. Having regard to the fact that there is a case and counter case between the parties, the allegation against petitioner no. 1 is that he assaulted the informant on his leg, as per Annexure '3', the injuries are said to be simple in nature and so far as petitioner no. 2 is concerned, there is no allegation against her of causing any assault and the petitioners have



otherwise no criminal antecedent, hence, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in connection with Bachhwara P.S. Case No. 87 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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