

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60032 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Rekha Devi, W/O Harinder Sahani, R/O Village- Belsandi Dih, P.S- Bibhutipur, District- Samastipur.
2. Harinder Sahani @ Harinder Sahni S/O Harekrishan Sahni R/O Village- Belsandi Dih, P.S- Bibhutipur, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 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 Bibhutipur P.S. Case No. 176 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 17.05.2023 at about 09:00 P.M. when the informant was returning to her home after withdrawing Rs.41,000/- and buying some household goods, these petitioners demanded to pay the debt of Rs.30,000/- which the informant denied. Thereafter, the petitioners assaulted the informant by iron rod and spade due to



which she sustained several injuries. When the husband of the informant came to rescue her, they also assaulted him and cause head injury to him.

4. Learned counsel for the petitioners submits that these petitioners are innocent and have been implicated in this case only because of previous land dispute. It is submitted that there was no injury on the body of the informant and her husband. It is further submitted that at this stage the parties have entered into a compromise and they are living peacefully.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted by learned counsel for the petitioners that the present case was lodged on account of a previous land dispute between the parties, there was no injury on the body of the informant and her husband and at this stage, the parties have entered into a compromise and they are living peacefully, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Bibhutipur P.S. Case No. 176 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 learned Sub Divisional Judicial Magistrate, Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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