

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61174 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- MADHAURAH District- Saran

1. CHANDA DEVI W/o Late Vijay Bhagat R/o-Goura Bazar, P.S.-Marhourah (Goura OP), District-Saran at Chapra.
2. SAVITRI DEVI W/o Abhay Bhagat R/o-Goura Bazar, P.S.-Marhourah (Goura OP), District-Saran at Chapra.
3. GAYATRI DEVI @ GAYTRI KUMARI W/o Late Prabhu Bhagat R/o-Goura Bazar, P.S.-Marhourah (Goura OP), District-Saran at Chapra.
4. SEEMA DEVI W/o Pappu Bhagat @ Shashikant Malakar R/o-Goura Bazar, P.S.-Marhourah (Goura OP), District-Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Marhowrah (Goura O.P.) P.S. case No. 117/2023) registered for the offence punishable under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the F.I.R. has been lodged on 04.03.2023 implicating 11 accused persons, all family members, including the petitioners. The allegation is of



indiscriminate assault against the prosecution party.

4. The learned counsel for the petitioners submits that the F.I.R. has been lodged on 04.03.2023 with respect to the alleged assault which occurred four days prior thereto, i.e. on 28.02.2023. The F.I.R, however, has reached the Court on 17.03.2023. This fact is required to be viewed keeping the fact of lodging of F.I.R. in the Marhowrah (Goura O.P.) P.S. case No. 106 of 2023 by the present accuseds' side on 01.03.2023 itself. In fact, the present informant was the aggressors and the present F.I.R. has been lodged only to overcome the liability arising out of Marhowrah (Goura O.P.) P.S. case No. 106 of 2023. The petitioners are female member of the family and have been implicated on extraneous considerations and no allegation of assault is alleged against them. They are having clean antecedents.

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

6. Considering the rival submissions, the sequence of events forming the basis of delay, the earlier counter version at the instance of the present accuseds' side, petitioners being ladies and no allegation of assault against them, this Court for the purposes of grant of bail is inclined to accept the



submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. case No. 117/2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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