

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60052 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- BHORE District- Gopalganj

INDRAWATI DEVI W/O MAJISTER KHATIK Resident of village-
Rakhaibari P.S.- Bhore District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 323, 324,
302, 307 and 504 of the Indian Penal Code.

According to prosecution case, on 26.04.2022 at about
3.00 P.M., informant and his father was sitting at his door, in the
meantime Vijay Khatik started abusing them in intoxicated
condition. It is further alleged that when he forbade for the
same, then Magister Khatik, petitioner, Reena Devi and Shanti
Devi surrounded the informant and his father and Vijay Khatik
inflicted Bhala blow on the informant due to which he sustained
four injuries. Further it is alleged that Magister Khatik inflicted
informant's father by means of Fasuli, who died due to injuries.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no allegation of assault to anybody by the petitioner. There is no any allegation of assault or overt act against the petitioner. At best, the petitioner is a member of mob and the specific allegation of assault is against co-accused Vijay Khatik, who inflicted *Bhala* blow on the father of the informant. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhore P.S. Case No. 184/2022, subject to the following conditions:-

- 1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on*



two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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