

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58293 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- SIKARPUR District- West Champaran

1. Prahlad Rauat S/O Late Kashi Rauat R/O Vill- Bhasusari, Ward No. 15, P.S.- Shikarpur, Distt- West Champaran.
2. Prem Rauat S/O Late Kashi Rauat R/O Vill- Bhasusari, Ward No. 15, P.S.- Shikarpur, Distt- West Champaran.
3. Anita Devi W/O Prahalad Rauat R/O Vill- Bhasusari, Ward No. 15, P.S.- Shikarpur, Distt- West Champaran.
4. Amlesh Rauat @ Vishal Kumar S/O Prahalad Rauat R/O Vill- Bhasusari, Ward No. 15, P.S.- Shikarpur, Distt- West Champaran.
5. Sakuntali Devi @ Sakuntla Devi W/O Prem Rauat R/O Vill- Bhasusari, Ward No. 15, P.S.- Shikarpur, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in
connection with Shikarpur P.S. Case No. 344 of 2021 for the
offence registered under sections 341, 323, 324, 307, 354, 379,
504, 506/34 of the Indian Penal Code

As per the prosecution story, the informant alleged
that the co-accused persons, who are co-sharer started abusing
the informant's wife and upon the opposition, they assaulted and



threw him down and further allegation is that they tried to cut hand and leg by means of sickle and when his 'Bhabhi' and sister-in-law came to save his wife, they too were also assaulted.

Learned counsel for the petitioner submits that it is matter of case and counter case between the parties in which both sides have sustained injuries and the nature of allegation is omnibus . Learned counsel for the petitioner took attention of this Court the observation of the learned Sessions Judge were liberty were given to the petitioners to move before the Court for bail after surrender.

Learned APP opposes the prayer for anticipatory bail of the petitioners.

Considering the fact that petitioner no. 3 and 5 are ladies, they do not have criminal antecedent, this court is inclined to extend them the privilege of anticipatory bail with conditions.

Considering the allegation that has come in the FIR, so far as petitioner no. 1, petitioner no. 2 and petitioner no. 4 are concerned, their anticipatory bail stands rejected.

If they choose to surrender before the Subordinate Court and pray for bail, the court shall take into account the submissions put as also any other materials that may have come



on the record by that time and would pass an order without being prejudice by this order.

Let the petitioner no. 3 namely, Anita Devi and petitioner no. 5 namely, Sakuntali Devi be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned chief Judicial Magistrate, West Champaran in connection with Shikarpur P.S. Case No.344 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;



(iv) 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 the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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