

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59851 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- SIDHWALIYA District- Gopalganj

1. Keshiya Devi W/o Shivbalak Sharma R/V- Mauje, Supauli, P.S.- Sidhawaliya, Distt- Gopalganj.
2. Renu Devi W/O Amar Lal Sharma R/V- Mauje, Supauli, P.S.- Sidhawaliya, Distt- Gopalganj.
3. Babulal Sharma S/O Ghinawan Sharma R/V- Mauje, Supauli, P.S.- Sidhawaliya, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Advocate
Mr. Rakesh Kumar No.1, APP
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 120(B), 504/506 of the Indian Penal Code.

Allegations against the accused persons is of abusing and assaulting the husband of the informant and the informant's family members with dangerous weapon due to which the husband of the informant dies at the spot and other family members have injured seriously.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that there is an admitted land dispute between the parties and both are *Gotiyas*. He further submits that it appears from the F.I.R. that there is allegation against the petitioner nos. 1 and 2 that they have assaulted the mother-in-law of the informant and the petitioner no. 3 was the order giver. He further submits that there is specific allegation of assault against co-accused persons namely Amar Lal Sharma and Shivbalak Sharma who have assaulted the deceased Lal Kishore Sharma and Lal Babu Sharma. He further submits that except the aforesaid, no other cogent material has come during investigation against these petitioners and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 07.06.2022.

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

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sidhwaliya P.S. Case No. 187 of 2022, with the following



conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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.

(Rajesh Kumar Verma, J)

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