

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60240 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- CHANDI District- Bhojpur

1. SANTOSH RAY Son of Sudarshan Ray R/V- Bhadwar, P.S- Chandi, Dist- Bhojpur
2. Pramila Devi Wife of Santosh Ray R/V- Bhadwar, P.S- Chandi, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Chandi P.S. Case No. 83 of 2022 for the offence registered under Sections 341, 323, 308, 379 and 504/34 of the Indian Penal Code.

As per the prosecution story, allegation against the accused persons is of hitting by a 'rod' on the head of the informant's minor son causing grievous injury as has been observed by the learned Sessions Judge.

Considering the kind of allegation that has come against the accused persons though omnibus in nature, the



allegation is grave and the injury is grievous, initially this Court was not inclined to extend the privilege of anticipatory bail to either of the two petitioners.

However, considering the fact that the petitioner no. 2, Pramila Devi, is a lady and do not have criminal antecedent, this Court is inclined to grant her privilege of anticipatory bail.

So far as petitioner no. 1, Santosh Ray is concerned, not only he has criminal antecedent he is also one of the person whom it has been alleged that he gave '*iron rod*' injury on the head of the informant's son and as such in the backdrop of the fact that he has criminal antecedent, this Court is not inclined to grant him privilege of anticipatory bail.

In the aforesaid circumstances let the petitioner no.2, Pramila Devi in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bhojpur at Ara in connection with Chandi P.S. Case No. 83 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions :

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner 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 her bail bond by the Trial court itself;

(iii) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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