

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67079 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- DOBHI District- Gaya

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1. Nippu Kumar Son Of Kapildev Prasad Resident Of Village- Amarut (BAKSOTI), Ps- Dobhi, Distt- Gaya
 2. Deepak Kumar Son Of Kapildev Prasad Resident Of Village- Amarut (BAKSOTI), Ps- Dobhi, Distt- Gaya
 3. Suchita Devi@ Suchita Kumari Wife Of Kapildev Prasad Resident Of Village- Amarut (BAKSOTI), Ps- Dobhi, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the State	:	Mr.Murli Dhar, Advocate
For the Informant	:	Mr. Bachan Jee Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Sherghati (Dobhi) P.S. Case No.235 of 2023 registered for the offences punishable under Sections 341, 342, 323, 308, 379, 504, 354 and 498(A)/34 of the Indian Penal Code. The petitioner nos. 1 and 2 have got no criminal antecedent whereas petitioner no.3 has got one criminal antecedent in which she is said to be on bail.

3. Learned counsel for the petitioners submits that the petitioners in the present case are the two Devars and one

mother-in-law of the informant and as per the allegation they are said to have indulged in causing assault upon the informant when she along with her father and two brothers had gone to her *Sasural*.

4. Learned counsel for the petitioners submits that the husband of the informant has been granted privilege of regular bail. It is stated that so far as these petitioners are concerned, they have nothing to do with the alleged occurrence and they have been falsely implicated because they are kith and kin of the husband.

5. It is further submitted on the strength of the injury reports which have been enclosed with the petition that the injuries allegedly caused to the informant and her father are simple in nature.

6. Learned counsel further submits that there is a counter case lodged by the mother-in-law (petitioner no.3) of the alleged occurrence in which she has alleged that her daughter-in-law came to her house with her father and two brothers and started abusing them and her brother assaulted the petitioner no.3 because of which she became unconscious.

7. Learned counsel for the informant has opposed the prayer for pre-arrest bail of the petitioners. A counter affidavit

has been filed (wrongly written as supplementary affidavit on behalf of the opposite party). Some photographs have been enclosed to impress upon this Court that the informant and her father were assaulted.

8. It is, however, not denied that there is a counter case also and the injuries are simple in nature.

9. Having regard to the facts and circumstances of the case wherein this Court finds that the husband of the informant has already been granted bail and the present petitioners are the Devars and mother-in-law and at this stage no definite opinion may be made about the accusation against the petitioners, in the nature of the dispute and the materials placed before this Court, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 235 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the petitioners shall not in any case approach the informant or her family members and

shall not indulge in causing any threat to them.

11. 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 antecedent, 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.

12. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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