

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67003 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- KAJRA District- Lakhisarai

1. Arbind Tanti @ Arbind Kumar Son of Late Chote Lal Tanti Resident of Village Madanpur Kajra PS Kajra Dist Lakhisarai
2. Shila Devi Wife of Arbind Tanti Resident of Village Madanpur Kajra PS Kajra Dist Lakhisarai
3. Lila Devi @ Phula Devi Wife of Late Chote Lal Tanti Resident of Village Madanpur Kajra PS Kajra Dist Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanchan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Kajra P.S. Case No. 79 of 2023 registered for the offences punishable under Sections 341, 323, 308, 337, 504, 506 and 34 of the Indian Penal Code. Petitioner no.1 has got one criminal antecedent in which he is on bail. Petitioner nos. 2 and 3 have no criminal antecedent.

3. As per the prosecution story, on 03.06.2023, the informant was beaten by all the petitioners by means of bricks and rod due to which she became unconscious.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the allegations are general and omnibus against the petitioners and there is also a delay of forty hours in lodging the F.I.R. It is further submitted that there is a case and counter case between the parties.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the present case has been lodged after forty eight hours of the alleged occurrence and it is an outcome of the earlier case lodged by the wife of Pradeep Kumar giving rise to Kajra P.S. Case No. 67 of 2023 dated 17.05.2023 against the husband of the present informant and further submission that the allegations are general and omnibus, the learned Sessions Judge has recorded that the informant has sustained injury, however, the same is not specifically attributed to the petitioners, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Kajra P.S. Case No. 79 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each

with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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