

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68021 of 2022

Arising Out of PS. Case No.-277 Year-2022 Thana- KHIJARSARAI District- Gaya

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1. PAYARI DEVI WIFE OF MAHESH CHAUDHARY R/O VILLAGE-HEMARA, P.S.- KHIZARSARAI, DISTRICT- GAYA
 2. GUDIYA DEVI WIFE OF LATE MUNNA CHAUDHARY R/O VILLAGE-HEMARA, P.S.- KHIZARSARAI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Khizersarai (Sarbahada O.P.) P.S. Case No. 277 of 2022 registered for the offence under Sections 147, 341, 323, 379, 307 and 302 of the Indian Penal Code.

The lady petitioners are alleged to have brutally assaulted the mother of the informant due to which she died on the next day.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He



further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them. Moreover, the co-accused, namely, Chunnu Chaudhary, Sonu Chaudhary and Savitri Devi have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.03.2023 passed in Cr. Misc. No. 892 of 2023 and the case of these petitioners stands on similar footing to them. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 02.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya in connection with Khizersarai (Sarbahada O.P.) P.S. Case No. 277 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 bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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