

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75928 of 2023**

Arising Out of PS. Case No.-104 Year-2023 Thana- KALYANPUR District-
Samastipur

- =====
1. SEEMA DEVI @ SEEMA KUMARI W/O KAMESH SHANI R/O VILLAGE-
PAKRI DIH, P.S- KALYANPUR, DISTT.- SAMASTIPUR.
 2. NANHKI DEVI W/O CHANAR SAHNI @ CHANNAR SAHNI @
CHANDESHWAR SAHNI R/O VILLAGE- PAKRI DIH, P.S- KALYANPUR,
DISTT.- SAMASTIPUR.
 3. LAXMI DEVI W/O MANTUN SAHNI R/O VILLAGE- PAKRI DIH, P.S-
KALYANPUR, DISTT.- SAMASTIPUR.
 4. LALITA DEVI W/O RAGHUNATH SAHNI R/O VILLAGE- PAKRI DIH, P.S-
KALYANPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Bijay Bhushan Prasad, learned counsel for
the petitioners and Md. Matloob Rab, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Kalyanpur P.S. Case No. 104 of 2023 registered for the
offence under Sections 341, 323, 307, 337, 338, 379, 504, 506
and 34 of the Indian Penal Code.

The petitioners and other accused persons are alleged
to have made attack upon the brother of the informant and
assaulted him and when the informant went to rescue him he has
also been brutally assaulted by the petitioners by way of lathi.



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 due some petty dispute between the parties. He further submits that it appears from the F.I.R. that no specific allegation of assault is attributed to the petitioners rather general and omnibus allegations are leveled against the accused persons including the petitioners. The specific allegation of assault is attributed to the co-accused, Mantu Sahni who allegedly assaulted the informant with lathi on his head. He further submits that though there is allegation of assault against the petitioners but the injury report suggest that the informant has received simple injury. Therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioners.

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

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 Judicial Magistrate-1st Class, Samastipur in connection with Kalyanpur P.S. Case No. 104 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as



also 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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