

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73751 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- BAGHA District- West Champaran

1. Binda Devi @ Vinda Devi Wife Of Lal Bahadur Sahani
2. Sukhadi Sahani S/O Sudarshan Sahani
3. Lal Bahadur Sahani S/O Sudarshan Sahani
All residents of Village- Anand Nagar, Ward No. 16, PS. Bagaha, Dist. West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Vijay Kr Singh No. 1, learned counsel for the petitioners as well as Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bagaha P.S. Case No.160 of 2023, F.I.R. dated 09.03.2023 registered for the offence punishable under Sections 341, 324, 307, 379, 354, 504 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that when the informant was working at her house and on that time no male members was present at her house, in the meantime the 'Gotiya' of the informant were closing the way by Tati, then the informant asked to her 'Gotiya' why you are closing the way, upon which Sudarshan Sahani, Kishrawati Devi, Lal Bahadur



Sahani, Urmila Devi, Binda Devi and Sukhadi Sahani started abusing and surrounded the informant. Lal Bahadur Sahani dashed her and tom the cloth, then Sukhadi Sahani assaulted her by *lathi* upon the mouth to which the tooth of the informant broken. Further all the accused assaulted by fists and legs and also they were abusing. After hearing the sound of the informant, her 'Gotani' Urmila Devi came there and Binda Devi cut her three fingers. Kishrawati Devi snatched the locket of her daughter. On hulla, nearby people came there then they went away and with the help of local people the treatment was done in Government Hospital, Bagaha. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case and the petitioners and informants are agnates and there is case and counter case between the parties. Further submits that both the sides have received the injuries and from perusal of the FIR it appears that there is general and omnibus allegation against these petitioners. He further submits that the specific allegation is against petitioner no.2, namely, Shukhari Sahni that he had assaulted to the informant and the injuries received by the informant are simple in nature except one, which was received by Sumitra Devi.



5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Bagaha, West Champaran in connection with Bagaha P.S. Case No.160 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

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



(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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