

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75175 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- KARJA District- Muzaffarpur

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1. Nilu Devi Wife of Manoj Thakur @ Manoj Kumar Thakur
2. Manoj Thakur @ Manoj Kumar Thakur Son of Late Shatrudhan Thakur
Both Resident of Village - Rusulpur, PS- Karja, Distt- Muzaffarur
... .. Petitioner/s
- Versus
- The State of Bihar
... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP
For the Informant : Mr.Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Mukund Mohan Jha, learned counsel

appearing on behalf of the petitioners; Mr. Surendra Kumar,

learned APP for the State and Mr.Sanjay Kumar, learned counsel

appearing on behalf of the informant.

2. Petitioners seek pre-arrest bail in connection with

Karja P.S.Case No.251 of 2023, registered for the offences

punishable under Sections 341, 323, 326 & 307/34 of the Indian

Penal Code.

3. As per the allegation made in the FIR, petitioners

with common intention tried to kill the husband of the informant

by stabbing in his stomach.

4. Learned counsel appearing on behalf of the

petitioners submits that the allegation of stabbing with the sharp

cut weapon is on co-accused Ankit Kumar, who is the son of

petitioner nos.1 and 2 and due to enmity, the petitioners have

been dragged in a false case. Petitioner no.1 is wife of petitioner



no.2.

5. Mr. Sanjay Kumar, learned counsel has tendered his appearance on behalf of the informant and he has opposed the bail application of the petitioners submitting that all the family members including the petitioners were involved in assaulting upon the husband of the informant in his abdomen by overpowering him.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made on behalf of the parties as well as complicity of petitioner nos. 1 and 2 can not be denied and the husband of the informant has himself seen all the three accused persons, I am not inclined to enlarge the petitioner no.2 on pre-arrest bail, however, there is some doubt with regard to petitioner no.1 to have present at the place of occurrence, petitioner no.1 (Nilu Devi) is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of concerned court no.7 of learned J.M. 1st Class, Muzaffarpur (West)/concerned court in connection



with Karja P.S.Case No.251 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C. subject to further condition that she will file an undertaking that she will not be indulged in such criminal activity in future.

8. So far petitioner no.2 (Manoj Thakur @ Manoj Kumar Thakur) is concerned, he may surrender before the learned court below and move for regular bail on the same day and the learned district court is directed to consider the regular bail application of petitioner no.2 on the basis of the evidences collected in course of the investigation and if from the materials collected, it is found that the petitioner no.2 is not involved in the alleged offence then the petitioner no.2 is directed to be released on bail on the same day.

9. The Superintendent of Police, Muzaffarpur must not delay in sending the case diary to the court below on the date fixed by the learned trial court.

10. With the above observation/direction, the present application is disposed of.

(Purnendu Singh, J)

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