

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75926 of 2023

Arising Out of PS. Case No.-429 Year-2023 Thana- MAHUA District- Vaishali

1. Savita Devi W/o Manoj Sah Resident of Village - Rampur Singhara, P.S.- Mahua, District - Vaishali.
2. Jageshwar Sah S/o late Fakira Sah Resident of Village - Rampur Singhara, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Santosh Kumar, learned counsel for the petitioners and Mr. Kalyan Shankar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 429 of 2023, F.I.R. dated 09.07.2023 registered for the offences punishable under Sections 307, 323, 324, 325, 326, 341, 379, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the informant with legs, fists and mungri. It is further alleged that accused Asha Devi gave trowel (Khurpi) to his husband Manoj Sah and ordered him to ill the informant and on which Manoj Sah with an intention to kill hit the informant on her head with Khurpi resultantly the



right eye of the informant popped out and blood oozed out from her eye.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is specific allegation of assault is against co-accused namely Manoj Sah who is husband of the petitioner no. 1 and there is no specific allegation of any assault or overt act against these petitioners.

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

6. Considering the facts and circumstances of the case, 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 bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 429 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

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

(3) 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 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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