

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6997 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- DESARI District- Vaishali

1. Savitri Devi Wife Of Suresh Prasad Singh R/O-Chakam Gola, P.S.-Desari (Chandpura O.P.), Distt.-Vaishali
2. Guddi Singh @ Guddi Devi @ Shobha Kumari Wife Of Ajit Kumar Singh R/O-Chakam Gola, P.S.-Desari (Chandpura O.P.), Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mrs. Archana Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that due to mistake the provision of law could not be typed in paragraph-1 of the petition. He seeks permission to correct the same.

3. Permission is granted to correct the same in course of the day.

4. The petitioners seek regular bail in connection with Desari (Chandpura O.P.) P.S. Case No. 371 of 2023, lodged on 03.11.2023, under Sections 341/323/302/34 of the I.P.C. and Section 27 of the Arms Act.



5. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners. The direct allegation is against Vikram Singh, who upon the order of his father fired on the informant's son on his chest due to which he sustained injuries. People were going to hospital for treatment but in the way he died.

6. Learned counsel for the petitioners submits that from the statement of the FIR it is crystal clear that dispute between the informant and the petitioners' family are relating to land for which proceeding is going on before the S.D.M. and process under Section 147 Cr.P.C. was initiated. Counsel submits that in the FIR the specific allegation is against Vikram Singh to fire and there is omnibus allegation against the petitioners who are lady aged about 65 years and 30 years. Counsel further submits that antecedent of the petitioner No.1 is not clean. There is one case under Section 498A of the Indian Penal Code pending against her. The antecedent of petitioner No.2 is clean. They are in custody since 04.11.2023.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail. With a view to oppose the prayer for



bail, a counter affidavit has been filed annexing the photographs by which the counsel for the informant submits that accused Dinesh Prasad Singh armed with rifle in his hand and other family members are standing in aggressive mode to fight. Counsel has also annexed a document by virtue of which it appears that petition under Section 147 Cr.P.C. was filed by the accused persons against the informant side.

9. Upon going through the documents, it transpires to this Court that against the present petitioners there is general and omnibus allegation.

10. In this view of the matter, let the petitioners, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Vaishali at Hajipur, in connection with Desari (Chandpura O.P.) P.S. Case No.371/2023, subject to the following conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) The petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail



cancellation of their bail bonds by the Trial Court itself;

(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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