

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8567 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- BAKHARI District- Begusarai

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1. Manisha Devi @ Manisha Kumari W/o Ritesh Thakur @ Ritesh Kumar R/o Vill - Shakarpura, Ward No. - 7, P.S. - Bakhri, Dist. - Begusarai
 2. Ritesh Thakur @ Ritesh Kumar S/o Late Sushil Thakur R/o Vill - Shakarpura, Ward No. - 7, P.S. - Bakhri, Dist. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Bakhari P.S. Case No. 306 of 2023 registered under Sections 341, 323, 354, 379, 307, 504, 506 and 34 of the Indian Penal Code lodged on 15.10.2023 by the informant, Rupesh Thakur.

3. As per the prosecution story, the informant alleged that his brother after consuming liquor entered the house and abused their mother. Upon objection, both the petitioners came and assaulted them. This led to injury on the head and the informant became unconscious. Subsequently, allegation of snatching of '*Mangalsutra*' is there. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the



petitioner no. 2 and the informant are own brothers, due to scuffle in the family, incident took place.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that after consuming the liquor, the petitioner no. 2 abused his own mother and upon protest, assaulted his brother. Allegation against his wife is also of assaulting the informant.

6. Though there is allegation against both of them, considering the fact that it was the petitioner no. 2, Ritesh Thakur @ Ritesh Kumar, who consumed liquor and abused the mother and later resorted to assault, his anticipatory bail application stands rejected.

7. So far as petitioner no. 2, Manisha Devi @ Manisha Kumari is concerned, taking into account that she is a lady, do not have criminal antecedent, though there is allegation against her also, putting her in jail will not serve any purpose, this Court is inclined to grant him privilege of anticipatory bail.

8. Let the petitioner no. 2, Manisha Devi @ Manisha Kumari, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to



the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bakhari P.S. Case No. 306 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner no. 2 who shall provide official document to show their *bona fide*;

(ii) the petitioner no. 2, 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 bond by the Trial court itself;

(iii) the petitioner no. 2 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioner no. 2 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.

(Rajiv Roy, J)

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