

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7823 of 2024

Arising Out of PS. Case No.-912 Year-2023 Thana- KHAGARIA District- Khagaria

1. Rajeev Sharma S/O KAMAL SHARMA VILLAGE- DHUSMURI BISHANPUR, PS. MUFFASIL, DIST. KHAGARIA.
2. SARSHWATI DEVI W/O RAJEEV SHARMA VILLAGE- DHUSMURI BISHANPUR, PS. MUFFASIL, DIST. KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-02-2024 Heard Mr. Ram Sumiran Rai, learned counsel for
the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Khagaria (Muffasil) P.S. Case No. 912 of 2023 for the offence under sections 341, 323, 307, 504, and 34 of the I.P.C. lodged on 03.09.2023 by the informant, Lalpari Devi.

3. As per the prosecution story, in a fight between the children, the elders stepped in. The allegation is that these petitioners firstly abused and upon protest, the petitioner no. 1 assaulted on the head of the informant as also her husband causing injuries and were treated at Sadar Hospital, Khagaria. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that all of them are family members, they being own brother and sister-



in-law and a minor fight between the children has been exaggerated as a assault on the informant side. Further, the injuries have been found to be simple in nature.

5. The last submission is that as they are own brother and sister-in-law, without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant and her husband after checking the credentials.

6. Learned APP opposes the prayer.

7. Taking into account the submissions put forward by the parties as also the fact that they are couple, the fight is between the family, they do not have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5,000/- each as undertaken by the learned counsel for the petitioners.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 912 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioners 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 the bail bonds;

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

(Rajiv Roy, J)

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