

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12738 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. Pooja Kumari @ Pooja Devi W/O Sanjeev Kumar R/O Village-Mukundpur, Ps.- Karpurigram, Dist.- Samastipur.
2. Rina Devi @ Rinu Devi @ Rinu Kumari W/O Bhushan Kumar R/O Village-Mukundpur, Ps.- Karpurigram, Dist.- Samastipur.
3. Bhushan Kuamr S/O Late Ramdayal Singh R/O Village-Mukundpur, Ps.- Karpurigram, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Ravi Prakash, learned counsel for the petitioners and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Karpurigram P.S. Case No. 61 of 2023, F.I.R. dated 08.07.2023 registered for the offences punishable under Sections 341, 448, 323, 325, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons came having lathi, danda, rod etc. and entered into the house of the informant and started abusing



and when the informant and her husband objected then accused petitioner Bhushan Kumar and his wife Rina Devi assaulted the husband of the informant. It is further alleged that when the informant went to rescue her husband then co-accused Sanjeev Kumar and petitioner Puja Devi caught her hand and co-accused Sanjeev Kumar with an intention to kill assaulted the informant on her head by means of iron rod causing injury and accused Sanjeev Kumar torn her apparels, accused Puja Devi took out carhs of Rs. 20,000/-.

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 the petitioners rather there is specific allegation of assault attributed against co-accused person namely Sanjeev Kumar who assaulted the informant on his head by means of iron rod. He further submits that the date of occurrence as alleged in the F.I.R. is 05.07.2023 but the present F.I.R. was instituted on 08.07.2023 after delay of three days without giving any explanation of delay and it appears from the F.I.R. itself that due to land dispute the present occurrence had taken place.



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, Samastipur in connection with Karpurigram P.S. Case No. 61 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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