

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14003 of 2024

Arising Out of PS. Case No.-277 Year-2023 Thana- KHARIK District- Bhagalpur

1. Praful Kumar Ray @ Budul Ray S/o Late Udit Narayan Ray R/o Narkatiyqa, Gauripur, P.S.- Kharik, District- Bhagalpur
2. Munni Devi W/o Praful Kumar Ray @ Budul Ray R/o Narkatiyqa, Gauripur, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinava Kumar, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Kharik P.S. Case No. 277/2023 instituted under Sections 341, 323, 325, 307, 447, 448, 504, 506/34 of the Indian Penal Code lodged on 1.12.2023 by the informant, Shiv Shankar Jha.

3. As per the prosecution story, the informant alleged that the accused persons came and assaulted both the informant and his son. Specific allegation is against petitioner no.1, Praful Kumar Ray @ Budul Ray of assaulting the informant as his son causing injury on the head. Though, the allegation is also against the lady, petitioner, no.2.



4. Learned counsel for the petitioners submit that they do not have criminal antecedent.

5. Learned APP on the other hand submits that the informant has alleged assault on him as also his son and the same is assigned on the head of the son. In that background, the anticipatory bail application of petitioner no.1, Praful Kumar Ray @ Budul Ray stands rejected.

6. So far as the petitioner no.2, Munni Devi is concerned, she is a lady, do not have criminal antecedent and role of assaulting on the head is not assigned to her, this Court is inclined to extend her the privilege of anticipatory bail.

7. Let the petitioner no.2, Munni Devi be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Kharik P.S. Case No. 277/2023 to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) petitioner no.2, Munni Devi 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 her bail bond by the Trial Court itself;

(iii) petitioner no.2, Munni Devi shall co-operate in the investigation and make herself available to the police as and when required;

(iii) the petitioner no.2, Munni Devi 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) petitioner no.2, Munni Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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