

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23285 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- AUANGARI District- Nalanda

1. Soni Devi Wife Of Manohar Kumar Resident of Village - Kanhaiyaganj, P.S. - Aungari, District - Nalanda, Bihar
2. Samudri Devi @ Samundri Devi Wife Of Naresh Prasad Resident of Village - Kanhaiyaganj, P.S. - Aungari, District - Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Umesh Kumar, learned counsel for the petitioners and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Aungari (Pir Bigha O.P.) P.S. Case No. 101 of 2023, F.I.R. dated 19.10.2023 registered for the offences punishable under Sections 341, 323, 307, 302, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the father of the informant with iron rod and bricks with intention to kill due to which he sustained injury on his chest and left ear and started



oozing blood from left ear and his chest swelled. It is further alleged that the father of the informant was taken to PHC Hospital Akangarsarai and from where father of the informant was referred to PMCH, Patna and during treatment he died on 24.09.2023.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 21.09.2023 but the Fardbeyan was recorded on 30.09.2023 and it appears from the F.I.R. itself that there is no specific allegation of any assault or overt attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against the petitioners, 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 Judicial Magistrate 1st Class, Hilsa, Nalanda in connection with Aungari (Pir Bigha O.P.) P.S. Case No. 101 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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