

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23508 of 2024

Arising Out of PS. Case No.-529 Year-2023 Thana- TAJPUR District- Samastipur

1. Sita Devi Wife Of Bala Rai Resident Of Village - Banbaripur, P.S. - Tajpur (Halai O.P.), District - Samastipur
2. Munita Devi Wife Of Mohan Rai Resident Of Village - Banbaripur, P.S. - Tajpur (Halai O.P.), District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-04-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 529 of 2023 for the offence under sections 147, 148, 149, 447, 341, 323, 307, 354, 379, 504, 506 of the I.P.C. lodged on 17.09.2023 by the informant, Pankaj Kumar.

3. As per the prosecution story, the informant alleged that the accused persons came to the place along with variously armed and further, Bonod Rai started abusing them. The allegation is that Amresh Rai @ Alok attacked with farsa on Ashok Rai who causing head injury while Kaliya Devi was beaten by bricks causing injury in the chest. The allegation



against other accused persons is also attributed to Anand Rai and Sukesh Rai, thereafter, omnibus allegation has been made against the other accused persons which include the petitioners injury of beating as also snatching of chain/amount, thereafter, the injured Gita Devi and Ashok Rai were shifted to Patna for better treatment. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that a bare perusal of the F.I.R. would show that the role of assault has been attributed to Amresh Rai @ Alok, Anand Rai and Sukesh Rai so far as these two petitioners are concerned only to implicate them omnibus allegation is/are there.

5. Learned APP opposes the prayer stating that all of them variously armed attacked the informant's side causing injury to Gita Devi and Ashok Rai.

6. Taking into account the aforesaid facts as also that both the petitioners are ladies one of whom is aged about 65 years old and they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. 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 Sessions Judge, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 529 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 their 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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