

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24504 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- NAYA RAM NAGAR District- Munger

AMRITA DEVI W/O PRITHVI RAJ SINGH R/O VILLAGE- WARIS
TOLA, NAUWAGARHI, P.S- NAYARAMNAGAR @ NAYARAM NAGAR,
DISTT.- MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27728 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- NAYA RAM NAGAR District- Munger

Aakash Kumar son of Prithivi Raj Singh Waris Tola Nauwagarhi Ps-
Nayaramnagar Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24504 of 2024)

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

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

(In CRIMINAL MISCELLANEOUS No. 27728 of 2024)

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-05-2024 Heard learned Counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest in connection

with Nayaramnagar P.S. Case No. 214 of 2023 for the offence

registered under sections 341, 323, 307 and 34 of the Indian

Penal Code and section 27 of the Arms Act lodged on



04.09.2023 by the informant, Nitu Kumari.

3. As per the prosecution story, the informant alleged that the accused persons were assaulting her brother, Chhotu Kumar and the allegation against the petitioner and her husband is/are of having given order to their son, Aakash Kumar (petitioner in Cr. Misc. No. 27728 of 2024) whereafter he opened fire, causing injury in the abdomen of the informant's brother, Chhotu Kumar. The other brother, Raja was also attacked but he saved himself. The injured was admitted to the Bhagalpur Hospital. Accordingly, the F.I.R.

4. Learned Counsel appearing in the Cr. Misc. No. 24504 of 2024 (Amrita Devi) submits that a bare perusal of the F.I.R. would show that the allegation is against Aakash Kumar of opening fire, causing injury to the brother of the informant, Chhotu Kumar. He submits that only to implicate the parents, the role of order giver has been made.

5. Taking into account the aforesaid facts, so far as the case of Aakash Kumar (Cr. Misc. No. 27728 of 2024) is concerned, direct allegation of opening fire, causing injury on the abdomen is there, this Court is not inclined to extend him privilege of anticipatory bail, which is accordingly rejected.

6. So far as the petitioner, Amrita Devi (Cr. Misc. No.



24504 of 2024) is concerned, she is the mother and role of order giver has been given, the main allegation is against Aakash Kumar whose anticipatory bail application already stands rejected, as stated above. She being the lady, will be facing the trial, this Court is inclined to extend her privilege of anticipatory bail.

7. Let the petitioner, Amrita Devi (Cr. Misc. No. 24504 of 2024) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Munger in connection with Nayaramnagar P.S. Case No. 214 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, Amrita Devi (Cr. Misc. No. 24504 of 2024), who shall provide official document to show her *bona fide*;

(ii) the petitioner, Amrita Devi (Cr. Misc. No. 24504 of 2024) 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) the petitioner, Amrita Devi (Cr. Misc. No. 24504 of 2024) 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 petitioner, Amrita Devi (Cr. Misc. No. 24504 of 2024) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

