

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28772 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Sarita Devi W/o Radheshyam Prasad R/o Jalalpur khud, P.S.- Sidhwalia, District- Gopalganj, State- Bihar
2. Vinod Prasad @ Vinod Kumar Prasad S/o Late Ramjatan Prasad R/o Jalalpur khud, P.S.- Sidhwalia, District- Gopalganj, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sindhwaliya P.S. Case No. 315 of 2023 for the offence under sections 341, 342, 323, 324, 379, 504, 506, 307/34 of the I.P.C. lodged on 27.10.2023 by the informant, Sandeep Kumar Rai.

3. As per the prosecution story, the informant alleged that while he was going to a kirana shop, as he reached the house of the petitioner no.2, accused Radheshyam caught him dragged to his door and pointed gun on why he is not teaching in the public school. The informant tried to inform him that he is opening his own public school and for the present, he is giving coaching to the children. Allegation against the petitioner no.2 (Vinod Prasad) is of inflicting axe blow causing injury on his head. The allegation against petitioner no.1 (Sarita



Devi) is also of assaulting by rod while Radheshyam is of snatching the gold chain. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that the injury has been found to be simple in nature.

5. Learned APP, on the other hand, submits that the content of the F.I.R. would show that the accused persons were forcing the informant to teach in his school, as he refused, was assaulted. Further specific allegation against petitioner no.2 of inflicting axe blow on the head while the petitioner no.1 assaulted by rod.

6. Though, there is allegation against both the petitioners, specific allegation is against petitioner no.2 (Vinod Prasad) of giving axe blow causing injury on the head.

7. The anticipatory bail application of petitioner no.2 (Vinod Prasad) stands rejected.

8. So far as the petitioner no.1 (Sarita Devi) is concerned, though allegation of assault is there, she is a lady and do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

9. Let the petitioner no.1 (Sarita Devi) 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 A.C.J.M., Gopalganj, in connection with Sindhwaliya P.S. Case No. 315 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 petitioner no.1 (Sarita Devi) who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 (Sarita 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) the petitioner no.1 (Sarita 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) the petitioner no.1 (Sarita Devi) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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