

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28635 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- SAKRA District- Muzaffarpur

1. Arun Prakash Gupta son of Late Janki Raman Sah Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar
2. Shiv Prakash Gupta son of Janki Raman Sah Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar
3. Ratna Devi @ Ratna Gupta wife of Shiv Prakash Gupta Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar
4. Anita Rani @ Anita Devi @ Devi wife of Arun Prakash Gupta Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar
5. Pinky Devi @ Ratna Gupta wife of Om Prakash Gupta Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar
6. Anshu Kumar son of Om Prakash Gupta Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar
7. Nagina Devi wife of Late Janaki Raman Sah Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2024 Heard Mr. Mr. Nalin Kumar, the learned counsel

for the petitioners and Mr. Mr. Ram Bilash Roy Raman, the

learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Sakra PS Case No. 60 of 2023, FIR dated

05.02.2023, registered for the offences punishable under

Sections 147, 149, 341, 323, 324, 307, 379, 354, 504 and 506 of



the Indian Penal Code.

3. According to the prosecution case, when the informant was sitting at her house, all the accused persons including the petitioners came armed with iron rod, lathi and danda and started assaulting her. It is specifically alleged that co-accused Surya Prasad Gupta assaulted the informant with lathi on her head causing fracture injury and when her sister-in-law (Gotni) and mother-in-law (Sas) came to rescue her, they have also been assaulted. It is also alleged that all the accused persons tore the clothes of the informant and made her naked. The accused persons also looted the house hold articles of the informant.

4. Learned counsel for the petitioners submits that except petitioner nos. 2, 3 and 4, who are involved in one other case also, petitioners have clean antecedent and they have falsely been implicated in the present case in the background of land dispute between the parties. The allegation against the petitioners is general and omnibus and the informant has received simple injury. It is further submitted that the mother of the petitioner no.2 has lodged a case against the husband of the informant and other family members at earlier point of time.

5. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the allegation against the petitioners is general and omnibus, the informant's side has received simple injury and the land dispute between the parties, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 12th, East, Muzaffarpur where the case is pending in connection with Sakra P.S. Case No. 60 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court 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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