

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34772 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- DERNI BAZAR District- Saran

1. SUNAR DEO SINGH SON OF LATE FARIDAN SINGH RESIDENT OF VILLAGE - KHAJOULI, P.S. - DERNI BAZAR, DISTRICT - SARAN AT CHAPRA
2. SHAILENDRA SINGH @ SHAULENDRA SINGH SON OF SUNAR DEO SINGH RESIDENT OF VILLAGE - KHAJOULI, P.S. - DERNI BAZAR, DISTRICT - SARAN AT CHAPRA
3. SUGANTI DEVI WIFE OF SHAILENDRA SINGH RESIDENT OF VILLAGE - KHAJOULI, P.S. - DERNI BAZAR, DISTRICT - SARAN AT CHAPRA
4. NITISH KUMAR SON OF SHAILENDRA SINGH RESIDENT OF VILLAGE - KHAJOULI, P.S. - DERNI BAZAR, DISTRICT - SARAN AT CHAPRA
5. MUSKAN @ MUSKAN KUMARI DAUGHTER OF SHAILENDRA SINGH RESIDENT OF VILLAGE - KHAJOULI, P.S. - DERNI BAZAR, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey (APP-84)
For the Informant	:	Dr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners as also the State and the informant.

2. The petitioners are apprehending their arrest in connection with Derni P.S. Case No. 02 of 2024 for the offence punishable under sections 323, 324, 341, 504, 506, 307, 379, 34 of the I.P.C. lodged on 01.01.2024 by the informant, Ajay Kumar.



3. As per the prosecution story, the informant lodged the FIR in the PMCH alleging that the accused persons his marriage with their daughter and talked to his father. However, as they used to reside closeby and did not found it deem and proper to marry in a close vicinity, aggrieved by that, upon call made by one of the girl of the accused family that the grandfather is ill and he rushed to the place where he was brutally assaulted. The allegation is that on the order of petitioner no. 1 (Sunar Deo Singh), the petitioner no. 2 (Shailendra Singh) and petitioner no. 4 (Nitish Kumar) alongwith the women/girls present there (petitioner no. 3, Suganti Devi and petitioner no. 5, Muskan Kumari) started assaulting the informant which included 'tengari/brick/knife' by an unknown person. After brutal assault and only after being confirmed that he is no more, the body was thrown out. He was subsequently shifted to PMCH and was under treatment when the FIR was lodged.

4. Learned counsel for the petitioners submit that petitioner no. 1 is an order given, seventy-three years of age while petitioner nos. 3 and 5 are female inmates, one being the wife of petitioner no. 2 while the other is the daughter.

5. Learned counsel appearing on behalf of the



informant submits that a perusal of the FIR would show that though allegation is against all of them, specific allegation is against petitioner no. 2, Shailendra Singh and petitioner no. 4, Nitish Kumar of having brutally assaulting and he has also provided injury report to show that the jaws were broken due to the 'brick' assault and the same was found to be grievous in nature.

6. Considering the aforesaid submissions, so far as the anticipatory bail application of petitioner nos. 2 & 4 (Shailendra Singh & Nitish Kumar respectively) are concerned, the same is rejected.

7. So far as the petitioner no. 1 (Sunar Deo Singh), petitioner no. 3 (Suganti Devi) and petitioner no. 5 (Mukan @ Muskan Kumari) are concerned, in view of the fact that one of the accused is 73 years of age, is an order given while other two are ladies, none have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 1 (Sunar Deo Singh), petitioner no. 3 (Suganti Devi) and petitioner no. 5 (Mukan @ Muskan Kumari) 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 Judicial Magistrate, 1st Class, Saran at Chapra, in connection with Derni P.S. Case No. 02 of 2024 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/relative of the petitioner nos. 1, 3 & 5 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1, 3 & 5 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 petitioner nos. 1, 3 & 5 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 nos. 1, 3 & 5 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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