

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37337 of 2024

Arising Out of PS. Case No.-270 Year-2020 Thana- BHORE District- Gopalganj

1. Sandhya Devi Wife Of Munna Ram, Resident Of Village - Semara, P.S. - Bhore, District - Gopalganj.
2. Ajay Kumar @ Ajay Ram Son Of Shankar Ram, Resident Of Village - Semara, P.S. - Bhore, District - Gopalganj.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dharmveer Jha, Advocate

For the Opposite Party : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Dharmveer Jha, the learned counsel for the petitioners and Mr. Md. Iftekhar Mahmood, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhorey PS Case No. 270 of 2020, FIR dated 01.09.2020, registered for the offences punishable under Sections 341, 323, 307, 447, 325, 504 and 506 read with Section 34 of the Indian Penal Code. Later on, Section 302 of the IPC was also added.

3. According to the prosecution case, the co-accused person namely, Munna Ram assaulted informant's father-in-law by means of hand pump's handle and another co-accused person



namely, Ajay Ram assaulted informant's husband by means of iron-rod due to which both of them became unconscious. It is further alleged that the co-accused persons also assaulted informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that although there is allegation levelled against the petitioners in the FIR, however, the police after completion of investigation has submitted chargesheet against the co-accused person namely, Dukhani Devi and further submitted supplementary chargesheet against the co-accused person namely, Munna Ram, meanwhile, the present petitioners namely, Sandhya Devi and Ajay Ram were not sent up for trial. He further submits that the learned I/c Chief Judicial Magistrate, Gopalganj differing with the final form, took cognizance of the offence against the petitioners along with chargesheeted co-accused person namely, Munna Ram vide order dated 17.04.2023.

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 mainly the facts that petitioners have clean antecedent and the police has filed the final form and did not send the petitioners sent up for trial, 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 Additional Chief Judicial Magistrate-IV, Gopalganj, where the case is pending in connection with **Bhorey PS Case No. 270 of 2020**, 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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