

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35126 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- KONCH District- Gaya

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1. Mukesh Mistry Son of Suresh Mistry Resident of Village - Singhra, P.S.- Konch, District - Gaya.
 2. Anita Devi Wife of Mukesh Mistry Resident of Village - Singhra, P.S.- Konch, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Konch P.S. Case No. 56/2024 instituted under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code lodged on 05.02.2024 by the informant, Mahesh Mistry.

3. As per the prosecution story, the informant alleged that the petitioner no.1, Mukesh Mistry in an inebriated state, started abusing. Upon protest, assaulted. The informant Mahesh Mistry as also his family members causing severe injuries in the hand, waist as also the injury on the head of the informant's Nagendra. They were all shifted to the hospital. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that so far as the petitioner no.2, Anita Devi is concerned, though name is there, no role has been assigned to her.

5. Learned APP on the other hand submits that so far as Mukesh Mistry is concerned, main allegation is there, inasmuch as, he was in drunken state and the allegation is there of assault causing injury to the informant.

6. Considering the allegation that has come against the petitioner no.1, no case for anticipatory bail is made out, the same is rejected.

7. So far as the petitioner no.2, Anita Devi is concerned, she is a lady, no specific role has been assigned to her, FIR lodged, will be facing the trial, this Court is inclined to extend her the privilege of bail.

8. Let the petitioner no.2, Anita Devi be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Konch P.S. Case No. 56/2024 to the satisfaction of learned Judicial Magistrate-1st Class, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as



also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner no.2, Anita Devi who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2, Anita 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.2, Anita Devi shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner no.2, Anita 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;

(v) the petitioner no.2, Anita Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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