

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43925 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BIKRAM District- Patna

1. Geeta Devi Wife of Dharmvir Mahto @ Dharmveer Verma Residence of Village - Khoraiha, P.S.- Bikram, District - Patna, Bihar - 801104
2. Dharmvir Mahto @ Dharmveer Verma Son of Sadhusharan Verma Resident of Village - Khoraiha, Ward No.- 05, Bikram, Patna, Bihar - 801104
3. Sadhu Sharan Verma Son of Laladas Mahato @ Laldas Verma Residence of Village - Khoraiha, Bikram, Patna, Bihar - 801104

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Bikram P.S. Case No. 11 of 2024 dated 08.01.2024 instituted for
the offence punishable under Section 341, 323, 324, 307, 379/34
of the Indian Penal Code.

3. The prosecution case, in short, is that when the
informant was returning from the market, petitioner nos. 2 & 3
along with other accused persons surrounded the informant and
assaulted him by lathi-danda. It is further alleged that petitioner
no. 2 assaulted the informant by sword, due to which he



sustained injury in his hand. Petitioner no. 3 assaulted the informant on his head by lathi. Allegation against the petitioner no. 1 is that she snatched gold chain of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the petitioner nos. 1 & 2 and the informant are the neighbours and there was already a land dispute between both the parties for demarcation of the property upon which the petitioners are residing and that is adjacent to the house of the informant. There is a case and counter case between the parties. Learned counsel for the petitioners further submits that petitioner no. 1, namely, Geeta Devi lodged an F.I.R. bearing Bikram P.S. Case No. 12 of 2024 for the offence punishable under section 341, 323, 307, 354, 511, 448 of the Indian Penal Code against the informant. Learned counsel for the petitioner submits that on 06.01.2023 when petitioner no. 1 Geeta Devi was alone in her house, the informant trespassed her house and made an attempt to outrage her modesty. On protest made by Geeta Devi, the informant assaulted her by lathi, due to which she sustained injury in her head. When her husband i.e. petitioner no. 2, namely Dharmvir Mahto came to his house, he saw her wife unconscious.



Thereafter he took her wife to Referral Hospital, Bikram for treatment but she was referred to P.M.C.H, Patna for better treatment. She was admitted there on the same day i.e. 06.01.2023. She was discharged from the Hospital on 08.01.2023, then She lodged the aforesaid case against the informant on 09.01.2023. Lastly, it has been submitted that petitioner no. 1 has no criminal antecedents while petitioner nos. 2 & 3 have one case each against them.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bikram P.S. Case No. 11 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Danapur subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date



fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

