

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46429 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- CHAUTHAM District- Khagaria

1. Babita Devi @ Sabita Devi, W/o- Mukesh Paswan, Village- Patraha, W.No-15, Ps- Chautham, Dist- Khagaria
2. Guria Devi, wife of Bipin Paswan, Village- Patraha, W.No-15, Ps- Chautham, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard the learned Advocate appearing on behalf of
the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Chautham P.S. Case No. 90 of 2024 registered for the offences punishable under Sections 337, 338, 341, 302/34 of the Indian Penal Code.

3. The allegation against the petitioners is they were engaged in pelting stones and bricks due to which the son of the informant aged about seven years, sustained injury, leading to his death.

4. Learned counsel appearing on behalf of the petitioners submit that from the narrations made in the FIR it is



evident that on the eve of Holi festival due to some dispute stone and brick pelting was done wherein unfortunately the son of the informant has sustained injury. The entire allegation is omnibus. So far the petitioners are concerned, they are ladies having fair antecedent and are in custody since 27.03.2024. It is lastly submitted that now the investigation of the crime is already complete and the charge-sheet have been submitted.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that in the incident a seven year boy has suffered his life.

6. Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation of stone pelting coupled with fact that the petitioners are ladies having fair antecedent and the charge-sheet has already been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 90 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the



trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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