

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45939 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Sheo Kumar Ram Son of Late Jokhan Ram R/o village - Kalwariya, P.S.- Durgawati, District - Kaimur at Bhabhua.
2. Shashibhushan Ram Son of Sheo Kumar Ram R/o village - Kalwariya, P.S.- Durgawati, District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024

Heard the parties.

2. The petitioners are apprehending arrest in connection with Durgawati P.S. Case No. 56 of 2024 instituted under Sections 341, 323, 307, 506, 509, 34 of the Indian Penal Code lodged on 05.03.2024 by the informant, Shashi Prabha Kumari.

3. As per the prosecution story, the informant who is daughter of petitioner no.1 and sister of petitioner no.2 has alleged that both came and asked her mother to compromise the case which is pending against them and when she refused, was assaulted. As she came forward to protect her mother, she was also thrashed by both father and son. The lady was shifted to Primary Health Center, Durgawati and considering her condition



to Trauma Center, Varanashi. This followed the FIR.

4. Learned counsel for the petitioners submit that both are father and son, civil dispute is there, in a rush of blood, the scuffle took place and the lady sustained injury on her leg beside the cheek. He submits that both the lady as also the petitioner no.1 are elderly people and given a chance, the family may come together.

5. In view of the fact that the informant and her mother are daughter and wife of the petitioner no.1, they further intend to pay Rs. 25000/- each to the informant as also her mother through Bank Draft issued by the local branch of the State Bank of India in the name of the lady, Shashi Prabha Kumari and the mother, Reshmi Devi @ Reshma Devi.

5. Learned APP opposes the prayer submitting that a perusal of the FIR would show that despite being wife and daughter, they were assaulted by the petitioner no.1 and the son, petitioner no.2.

6. Though there is allegation, the injuries is/are there on the leg, these two petitioners are having no criminal antecedent, the petitioner no.1 is an elderly people, FIR lodged, they will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.



25000/- as undertaken by the learned counsel for the petitioner through Bank Draft issued by the local branch of the State Bank of India in the name of the lady, Shashi Prabha Kumari and the mother, Reshmi Devi @ Reshma Devi.

7. Let the petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each in connection with Durgawati P.S. Case No. 56 of 2024 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall co-operate in the investigation and make themselves available to the police as and



when required;

(iv) the petitioners 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) this Court makes it clear that the two petitioners shall refrain from threatening the two ladies and/or trespass their residence failing which if any such application is preferred by either the informant and/or her mother, the Court concerned shall take up the matter and after noticing the two petitioners can consider cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/-

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

