

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49546 of 2024

Arising Out of PS. Case No.-958 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Viswanath Chaudhary @ Vishwanath Bin Son Of Late Chandar Chaudhary Village- Phulan, Ps- Barahara, Dist- Bhojpur
 2. Bhadai Bin @ Bhadai Mahto Son Of Late Heera Bin Village- Phulan, Ps- Barahara, Dist- Bhojpur
 3. Ganauri Bin Son Of Bhadai Bin Village- Phulan, Ps- Barahara, Dist- Bhojpur
 4. Shila Devi Wife Of Ganauri Bin Village- Phulan, Ps- Barahara, Dist- Bhojpur
 5. Manju Devi Wife Of Santosh Bin Village- Phulan, Ps- Barahara, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sita Devi Wife Of Nirmal Bin Village- Phulan, Ps- Barahara, Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Singh, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard learned Counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 958 C of 2022 for the offence registered under sections 323, 341, 380, 34 of the Indian Penal Code lodged on 29.06.2022 by the informant Sita Devi.

3. As per the prosecution story, the informant has alleged that the accused persons entered the home and assaulted



them and later took away the table fan, as also some other materials. Accordingly, the case.

4. Learned Counsel for the petitioners submit that a bare perusal of the complaint/FIR would show that it has been lodged after inordinate delay. Further, the entire family members including the ladies have been implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the omnibus allegation that has come including the delay in lodging of the FIR, some of the petitioners are ladies, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhojpur at Ara in connection with Complaint Case No. C of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document to show his *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 his bail bond by the Trial court itself;

(iii) 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;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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