

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49398 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- TRIVENIGANJ District- Supaul

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1. Aghanu Sardar Son Of Late Fodi Sardar Resident Of Gajhar Mal, Ward No. 03, Police Station - Triveniganj, District - Supaul
 2. Dharendra Sardar Son Of Agahanu Sardar Resident Of Gajhar Mal, Ward No. 03, Police Station - Triveniganj, District - Supaul
 3. Kaliya Devi Wife Of Agahanu Sardar Resident Of Gajhar Mal, Ward No. 03, Police Station - Triveniganj, District - Supaul
 4. Sunita Devi Wife Of Birendra Sardar Resident Of Gajhar Mal, Ward No. 03, Police Station - Triveniganj, District - Supaul
 5. Pinki Devi Wife Of Dharendra Sardar Resident Of Gajhar Mal, Ward No. 03, Police Station - Triveniganj, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advcoate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard Mr. Arun, learned counsel for the petitioner
and Mr. Syed Mojibur Rahman, learned APP for the State.

2. At the outset, it has been submitted that during the pendency of the present petition, the petitioner no.1 Aghanu Sardar has been arrested and as such he may be permitted to withdraw the petition, so far as petitioner no.1 is concerned.

3. The same is allowed. So far as the petitioner no.1 Aghanu Sardar is concerned, his anticipatory bail application stands dismissed, as withdrawn.



4. The petitioner is apprehending his arrest in connection with Triveniganj P.S. Case No. 16 of 2024 for the offence under Sections 447, 341, 323, 324, 308, 379, 354, 504 and 34 of the I.P.C. lodged on 12.01.2024 by the informant, Sushila Devi.

5. As per the prosecution story, the allegation is that as they were enjoying the sunshine of the winter, the accused persons came and assaulted. The allegation against petitioner no.2 Dhirendra Sardar is of giving *Dabia* blow on the head of the informant, while Birendra Sardar another accused gave *farsa* blow to her daughter-in-law on the head, so far as petitioner no.1 is concerned, the assault is on the fingers. Accordingly, the F.I.R.

6. Learned counsel for the petitioners submits that there is case and counter case, they are agnates and only to implead all of them, roles attributed. He submits that in any case so far as the petitioner no.3 to 5 are concerned, though implicated role has not been assigned.

7. Learned APP opposes the prayer submitting that without any provocation, the assault took place and as such they are not entitled to bail.

8. Considering the allegation that has come against



the petitioner no.2 Dhirendra Sardar of assaulting the informant with Dabia on head, his anticipatory bail application stands rejected.

9. So far as petitioner no.3 to 5 are concerned, all of them are ladies and petitioner no.3 is an aged one, none of them have criminal antecedent and no specific role is assigned to them, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

10. Let the petitioner no.3 to 5 be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Supaul, in connection with Triveniganj P.S. Case No. 16 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also with following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no.3 to 5 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.3 to 5 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 petitioner no.3 to 5 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 petitioner no.3 to 5 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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