

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52521 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- PANCHRUKHI District- Siwan

1. Choti Kumari D/o Gopichand Ram R/o Village- Mardolli, P.S.- MH Nagar, Distt.- Siwan
2. Govinda Kumar Son of Gopichand Ram R/o Village- Mardolli, P.S.- MH Nagar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-12-2024 Heard Mrs. Kumari Anupam, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Pachrukhi P.S. Case No. 267 of 2023 for the offence under Sections 341, 323, 302, 504, 506 and 34 of the Indian Penal Code lodged on 07.10.2023 by the informant, Meena Devi.

3. As per the prosecution story, the informant (wife of the deceased) alleged that her brother-in-law (devar) on a small issue of keeping of bricks gave a bamboo blow on the head of her husband, he fell down, the blood came out of the mouth and subsequently succumbed to the injury, Accordingly, the F.I.R.

4. Though, learned counsel for the petitioners tried to



impress upon this Court that he also had illness and may have fell down and caused injury.

5. Learned APP opposes the prayer submits that the deceased was a crippled man and had already assured that the bricks will removed but the accused with an intention to assault used the iron rod which proved fatal.

6. Having gone through the facts of the case and also the materials on record as also submissions put forward by the parties, allegation of assault is mainly on Moti Chand Ram, so far as these petitioners are concerned, they are 18 and 19 years of age respectively, allegation is of abusing the informant side, both are young, do not have criminal antecedent and putting them in jail will ultimately ruin their future, particularly when it has been undertaken by learned counsel for the petitioners that they shall be diligently appearing in trial, this Court is inclined to extend him/her the privilege of anticipatory bail.

7. Let the petitioners 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 Judicial Magistrate 1st Class, Siwan, in connection with Pachrukhi P.S. Case No. 267 of 2023, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.,
as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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/her bail bond by the Trial Court itself;

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

(Rajiv Roy, J)

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