

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52063 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- KUDHNI District- Muzaffarpur

1. Gayatri Devi Wife of Shashi Bhushan Mahto Resident of Village - Salimpur Hussain Jhitki, Police Station - Kudhani, Distt.- Muzaffarpur
2. Shweta Kumari D/o- Shashi Bhushan Mahto Resident of Village - Salimpur Hussain Jhitki, Police Station - Kudhani, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Thakur Brajesh Singh, learned counsel for the petitioners, Mr. Manoj Kumar, learned counsel appearing on behalf of the informant as well as Mr. Bharat Lal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kudhani P.S. Case No. 79 of 2024, F.I.R. dated 22.02.2024 for the offences punishable under Sections 341, 323, 324, 307, 354(B), 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with one other accused person, armed with deadly weapon, have assaulted the informant and daughters due to which they have received injuries.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the co-accused, Shashi Bhushan Mahto is the husband of petitioner no. 1 and father of petitioner no. 2 and due to some petty dispute, the present occurrence has taken place. He further submits that there is allegation against these petitioners that they have assaulted the informant and her family members. He further submits that although there is specific allegation against the petitioner no. 1 that she has assaulted the informant by means of iron rod on the back side of her neck but the injury report suggests that the injury inflicted by the petitioner no. 1 is simple in nature. He further submits that there is allegation against the petitioner no. 2 that she has assaulted the family members of the informant but no injury report is available on record which suggests that any member of the family has received injury.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that from perusal of the injury report, it appears that the injury no. 3 is grievous in nature but fairly submits that the same is inflicted upon the chest of the informant and according to the



allegation against these petitioners, no injury has been inflicted upon the informant or her family members on the chest by these petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st (West), Muzaffarpur in connection with Kudhani P.S. Case No. 79 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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