

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53741 of 2024

Arising Out of PS. Case No.-251 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Nibha Devi W/O B.K. Rai R/O Village- Manua, P.S- Hajipur, Distt.- Vaishali.
2. Ratnesh Kumar S/O B.K. Rai R/O Village- Manua, P.S- Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Hajipur Sadar P.S. Case No. 251 of 2024 dated 23.04.2024, instituted for the offence punishable under Sections 341, 342, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. The allegation against Ratnesh Kumar (petitioner no. 2) is of inflicting knife blow on the chest of the informant causing injury due to which he fell down. When father and mother of the informant came to save him then Nibha Devi (petitioner no. 1) assaulted them with butt of *khurpi*.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is case and counter case between the parties. A counter case bearing Sadar Hajipur P.S. Case No. 273 of 2024 under Section 354(B) and other allied sections has been lodged by Ratnesh Kumar (petitioner no. 2) against the informant and others. It is submitted that due to quarrel all of sudden altercation took place between both the sides. It is also submitted that the doctor has opined in the injury report that injury is simple in nature. Petitioner no. 1 is advanced age female. Lastly, it has been submitted that petitioner no. 1 has no criminal antecedent and petitioner no. 2 has two criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Hajipur Sadar P.S. Case No. 251 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, subject to condition as



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

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.
3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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