

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63390 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- SARSI District- Purnia

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1. Pushpa Devi W/O Ashok Yadav @ Ashok Kumar Yadav R/O Village-Jiyanganj, Ward No. 14, Ps. Sarsi, Dist. Purnia
 2. Golu Kumar S/O Ashok Yadav @ Ashok Kumar Yadav R/O Village-Jiyanganj, Ward No. 14, Ps. Sarsi, Dist. Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen, Advocate
For the State	:	Md. Aslam Ansari, APP
For the Informant	:	Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Kumar Praveen, learned counsel for the petitioners, Mr. Manish Kumar, learned counsel for informant and Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sarsi P.S. Case No. 50 of 2023, F.I.R. dated 09.03.2023 for the offences punishable under Sections 448, 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted on the husband of the informant by means of iron rod due to which he became unconscious.

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 from a bare perusal of the FIR it appears that due to pity dispute the present occurrence has taken place. He further submits that as per the FIR there is allegation against the petitioner no.1 that she has assaulted the husband of the informant with the iron rod but the injury report of the victim suggests that the injury is simple in nature caused by hard and blunt substance, the injury report of the husband of the informant reads as follows;

Lacerated wound at frontal head size 1" x 1/4" x 1/8"

Age of wound- within 8 hours

caused by- HBS

M.I.:- A mole on right side of Neck

Nature:- Simple

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that from bare perusal of the FIR it appears that there is specific and direct allegation against the petitioner no.1 that she has assaulted the husband of the informant with iron rod.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent and nature of the injury is simple in nature, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 50 of 2023, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

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 bonds 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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