

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65766 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Vidawati Devi @ Vidyanti Devi @ Vidyawati Devi W/o Balister Singh @ Bairister Singh
2. Madan Kumar S/o Balister Singh @ Bairister Singh.
Both R/o Village- Semarbari, Mishrvatrahan Koila Dewa, P.S. - Phulwaria,
District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr.Indrajeet Bhushan, learned counsel for the

petitioners and Mr.Jagdhar Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Phulwaria P.S.Case No.130 of 2024, FIR dated
07.04.2024 registered for the offences punishable under
Sections 341,323,324,504,506,307,34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant
and his family was at home on 05.04.2024 at about 3.30 PM,
engaged with labourer in their house. Meantime, accused came
alongwith dab, farsa and Tangi attacked due to which Angad
Singh received injury on his head and hand.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Both the parties are agnates and there is case and counter case and from a bare perusal of the FIR it appears that there is specific allegation against petitioner No.1 is that he assaulted to Sonam Kumari and petitioner No.2 assaulted to one Hiralal Singh and injury report of Sonam Kumari and Hiralal Singh suggest that although they have received injury but the injury is simple in nature.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case, both the parties are agnates and injury inflicted upon the injured person is simple in nature, let the petitioners, above named, in the event of their 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 learned A.C.J.M.-XVI, Gopalganj in connection with Phulwaria P.S.Case No.130 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 bonds 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 antecedents, 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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