

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63129 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- DERNI BAZAR District- Saran

1. Merajul Abeddin @ Meraru Abuddin Guddu Son Of Kalamuddin R/O Vill - Kakarahat, P.S. - Derni, Distt. - Saran
2. Mahrnun Nisha @ Gajala Wife Of Kamaluddin R/O Vill - Kakarahat, P.S. - Derni, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghwendra Pratap Singh, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Raghwendra Pratap Singh, learned counsel for the petitioners, Mr. Mukesh Kumar Singh, learned counsel for the informant and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Derni P.S. Case No. 216 of 2022, F.I.R. dated 13.11.2022 for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, allegation against the petitioners is that they came in front of the house of informant with deadly weapons. In the meantime, petitioner no.1 assaulted to the son of the informant by means of sword.

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 petitioner no.2 is said to have assaulted on the head of the son of the informant, namely, Azad Alam and there is no allegation of any assault or overt act is attributed against the petitioner no.1. He further submits that from a bare perusal of the injury report of the son of the informant, namely, Azad Alam it appears that although the date of the occurrence is 10.11.2022 and the present FIR instituted on 13.11.2022 and injury report of the son of the informant is suspicious. He further submits that there is case and counter case between the parties.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor, on the other hand, have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent, the main allegation against the petitioner no.2 who is a lady and the injury report submitted by the Doctor is suspicious, 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 Judicial Magistrate, 1st Class, Saran at Chapra in connection with Derni P.S. Case No. 216 of 2022, 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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