

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71883 of 2024

Arising Out of PS. Case No.-846 Year-2022 Thana- MADHEPURA District- Madhepura

1. Sunita Devi @ Sunita Kumari Wife of Sanoj Sharma Resident of Village- Ghurgoan, P.S.- Madhepura, Distt.-Madhepura
2. Guddu Sharma @ Guddu Kumar Son of Anirudh Sharma Resident of Village- Manikpur, P.S.- Madhepura (Bharrahi O.P.), Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Dinesh Prasad Verma, learned counsel for the petitioners and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Madhepura P.S. Case No. 846 of 2022, F.I.R. dated 06.09.2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the husband of the informant with lathi, dabia and bricks due to which he sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but there is no specific allegation of any assault or overt act attributed against these petitioners and the petitioner nos. is daughter-in-law of the deceased and petitioner no. 2 is brother of petitioner no. 1. He further submits that the police after investigation submitted the final form against the petitioners but not sent up for trial but the learned Court below differing with the police report and has taken cognizance on 01.09.2023 against the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt attributed against the petitioners and the police after investigation submitted final form in favour of the petitioners but the learned Court below has taken cognizance against these petitioners, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 846 of 2022, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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