

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75822 of 2023

Arising Out of PS. Case No.-623 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

1. DEEPAK SAH S/O RAM CHANDRA SAH VILLAGE- BELWAGANJ ANDHERIYA BAGH, PS. LAHERIASARAI, DIST. DARBHANGA
2. SANJIT SAH @ SANJIT KUMAR SAH S/O DEEAPK SAH VILLAGE- BELWAGANJ ANDHERIYA BAGH, PS. LAHERIASARAI, DIST. DARBHANGA
3. GITA DEVI W/O DEEPAK SAH VILLAGE- BELWAGANJ ANDHERIYA BAGH, PS. LAHERIASARAI, DIST. DARBHANGA
4. SONALI KUMARI D/O DEEPAK SAH VILLAGE- BELWAGANJ ANDHERIYA BAGH, PS. LAHERIASARAI, DIST. DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-02-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Laheriasarai P.S. Case No. 623 of 2021 instituted under Sections 147, 341, 323, 324, 326(A), 307, 448 and 427 of the Indian Penal Code lodged on 28.12.2021 by the informant, Raj Pravesh Goswami.

3. As per the prosecution story, the informant alleged that the accused persons called him for conversation whereafter the assault took place. As he tried to save his life and reached his house , the accused persons entered, assaulted and also threw



acid causing burn injuries on his face. Further allegation is of attacking and injuring his brother and accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case and even the informant's side suffered burn injuries and the FIR though subsequent to the first FIR where the petitioner no.3 Gita Devi has suffered burn injury on her face. None of them have criminal antecedents and they are all agnates.

5. Learned APP, however, points out that while the injury suffered by the informant's side in the case is on face, the petitioner no.1 Deepak Sah has injury on his thigh.

6. The allegation that has come against the accused persons, it would be appropriate that so far as the petitioner no.1 Deepak Sah and the petitioner no. 2 Sanjit Sah @ Sanjit Kumar Sah surrender within four weeks from today and seek bail. Their anticipatory bail stand rejected with further observation that if they surrender within four weeks from today, till a decision is taken in the bail petition, the interim protection granted to them by the coordinate bench on 29.11.2023 will continue.

7. So far as the petitioner no.3, Gita Devi and the petitioner no.4, Sonali Kumari are concerned, they are ladies, Gita Devi has also suffered burn injuries, they do not have



criminal antecedents and will be ultimately facing the trial, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioner no.3, Gita Devi and the petitioner no.4, Sonali Kumari be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Laheriasarai P.S. Case No. 623 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioner no.3, Gita Devi and the petitioner no.4, Sonali Kumari shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.3, Gita Devi and the petitioner no.4, Sonali Kumari shall co-operate in the investigation and



make themselves available to the police as and when required;

(iv) the petitioner no.3, Gita Devi and the petitioner no.4, Sonali Kumari shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.3, Gita Devi and the petitioner no.4, Sonali Kumari shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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