

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79281 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. Asha Devi Wife Of Dhananjay Poddar R/O Village- Pyalapur, P.S.- Ishipur Barahat, District- Bhagalpur
2. Soni Devi Wife Of Sanjay Poddar R/O Village- Pyalapur, P.S.- Ishipur Barahat, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajendra Prasad Sah, Advocate
For the State	:	Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in this case are seeking pre-arrest bail in connection with Ishipur Barahat P.S. Case No. 06 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 326, 504, 384, 325, 307 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 03.01.2023 at about 09:30 A.M., when the informant was getting her house plastered, in the meantime, one Sanjay Poddar (husband of petitioner no. 2) was collecting donation for Saraswati Puja at that place which resulted in traffic jam and scattering of the sand of the informant. When the informant objected, all the FIR



named accused persons assaulted and abused her. One Asha Devi (petitioner no. 1) sprinkled chilly powder in the eye of the informant and Sanjay Poddar (husband of petitioner no. 2) assaulted the informant by an iron rod on her head. When the family members of the informant came to rescue her, they were also assaulted by co-accused Sanu Kumar and Dhananjay Poddar (husband of petitioner no. 1).

4. Learned counsel for the petitioners submits that there is no specific allegation of commission of any overt act against the petitioners. It is submitted that there is case and counter case between the parties and this occurrence has taken place on a petty issue between both the parties.

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

6. Having regard to the facts and circumstances of the case, there being no allegation of commission of overt act against the petitioners, this being a case where both the parties have lodged case and counter case and the alleged occurrence is said to have taken place on some petty issues in the village where both the parties are residing, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above-named shall be released on



bail in connection with Ishipur Barahat P.S. Case No. 06 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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