

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79912 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- VAISHALI District- Vaishali

1. Dhariya Devi @ Anita Devi @ Dhoriya Devi W/o Sachindra Sahani @ Surendra Sahani R/o Village- Mishroliya, P.S.- Vaishali, Belsar O.P., District- Vaishali
2. Pappu Sahani @ Pappu Kumar S/o Keshwar Sahani @ Surendra R/o Village- Mishroliya, P.S.- Vaishali, Belsar O.P., District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafis-ul-Zoha, Advocate
Ms. Shabina Talat, Advcate

For the Opposite Party/s : Mr. Dinesh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-12-2024 Heard Mr. Nafis-ul-Zoha, learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioners who are in custody in connection with Vaishali (Belsar O.P.) P.S. Case No. 427 of 2023 registered for the offence punishable under Sections 341, 323, 302, 504, 506 and 34 of the Indian Penal Code.

3. This is the second attempt on behalf of the petitioners for grant of regular bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 427 of 2023. Earlier the prayer for bail by the petitioners was turned down by this Court vide order dated



25.09.2024 with a liberty to renew their prayer for bail, after framing of the charge.

4. Learned Advocate for the petitioners drawing the attention of this Court to the Annexure 3 to the bail application submitted that now the charges have been framed vide order dated 22.10.2024. It is further contended that be that as it may the petitioner no. 1 happens to be sister-in-law and petitioner no. 2 is nephew of the deceased. They have been incarcerated since 13.05.2024, having fair antecedent and they undertake that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the observation made by this Court and the charge having been framed as also the period of incarceration, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Vaishali (Belsar O.P.) P.S. Case No. 427 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-



(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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