

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81593 of 2023**

Arising Out of PS. Case No.-253 Year-2023 Thana- BELDOUR District-
Khagaria

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1. SARITA DEVI WIFE OF BABLU SAH @ BABLU KUMAR SAH R/O VILLAGE- BELDAUR, P.S.- BELDAUR, DIST.- KHAGARIA
 2. BABLU SAH @ BABLU KUMAR SAH SON OF LATE NAGO SAH @ NAGESHWAR SAH R/O VILLAGE- BELDAUR, P.S.- BELDAUR, DIST.- KHAGARIA
 3. SONU KUMAR SON OF BABLU SAH 2 BABLU KUMAR SAH R/O VILLAGE- BELDAUR, P.S.- BELDAUR, DIST.- KHAGARIA
 4. ANIL SAH @ ANIL KUMAR SAH SON OF LATE HARILAL SAH R/O VILLAGE- BELDAUR, P.S.- BELDAUR, DIST.- KHAGARIA
 5. BIPIN KUMAR SON OF LATE HARILAL SAH R/O VILLAGE- BELDAUR, P.S.- BELDAUR, DIST.- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Ram Sumiran Rai, learned counsel for the
petitioners and Mr. Gulnar Begum, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Beldaur P.S. Case No. 253 of 2023 dated 14.09.2023
registered for the offence under Sections 341, 323, 379, 354(B),
307, 504, 506/34 of the Indian Penal Code.

The petitioners along with others are alleged to have
entered in to the house of the informant variously armed with
lathi, danda and iron rod and abused the informant's wife and



assaulted her thereafter with intention to kill her and also tried to outrage her modesty. When her daughter came to rescue her, she has also been assaulted by the accused persons causing her injury.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that there is case and counter case between the parties and the present occurrence took place on account of an scuffle between their children. He further submits that on bare perusal of the F.I.R, it appears that no specific allegation of assault or any overt act is attributed to the petitioners rather the specific allegation of assault is attributed to the co-accused, Bipin Kumar and Sonu Kumar that they have assaulted the daughter of the informant but she has received only one injury which is simple in nature.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the nature of injury, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Khagaria in connection with Beldaur P.S. Case No. 253 of



2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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 bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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