

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82877 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- MATIHANI District- Begusarai

1. BHAWANI DEVI @ BHAWANU DEVI W/O KRISHNANDAN SINGH R/O VILLAGE- RAMDIRI NAKRI TOLA, P.S- MATIHANI, DISTT.- BEGUSARAI.
2. KRISHNANDAN SINGH S/O RAM CHARITRA SINGH R/O VILLAGE- RAMDIRI NAKRI TOLA, P.S- MATIHANI, DISTT.- BEGUSARAI.
3. BANTI SINGH S/O RAM CHARITRA SINGH R/O VILLAGE- RAMDIRI NAKRI TOLA, P.S- MATIHANI, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard the parties.

2.The petitioners are apprehending their arrest in connection with Matihani P.S. Case No. 137 of 2023 for the offence under sections 323, 341, 307, 506/34 of the I.P.C. lodged on 04.09.2023 by the informant, Annu Devi.

3. As per the prosecution story, the informant, Annu Devi alleged that the accused persons without any provocation started abusing them using choicest of the abuses. Upon objection, assault was made and allegation against this petitioner No.1 Bhawani Devi is of using brick to hit on her head causing injuries. As the villagers came,



they fled the spot. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case in the matter though there is allegation of assaulting by brick, one injury has been found to be simple in nature and for others, opinion has been reserved. None of them have criminal antecedents. Further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner no.2 Krishnandan Singh intends to contribute Rs. 5000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer for bail.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid facts as also there is case and counter case, one of the petitioner is a lady, they do not have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail with conditions subject to payment of Rs.5000/- as undertaken by the learned counsel for the petitioner no.2, Krishnandan Singh to be paid by Demand Draft of local SBI to be



submitted to the trial Court and handed over to the informant after checking credentials.

8. Let the petitioners be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Sessions Judge, Begusarai, in connection with Matihani P.S. Case No. 137 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 petitioners 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;

(iv) the petitioners 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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