

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84965 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- SHEOHAR District- Sheohar

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1. Rinku Devi W/O Ajay Rai Resident Of Village- Sheohar, P.S.- Sheohar District- Sheohar
 2. Virti Devi W/O Late Vijay Rai Resident Of Village- Sheohar, P.S.- Sheohar District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Sanjay Kumar @ S.K., learned counsel
for the petitioners and Dr. Indihar Kumari, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sheohar P.S. Case No. 220 of 2023, F.I.R. dated 19.08.2023 for the offences punishable under Sections 341, 323, 427, 302, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have abused and assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare



perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioners rather there is specific allegation of assault is against the co-accused persons, namely, Kailash Rai, Sunil Rai, Ajay Rai and Raja Rai that they have assaulted the family members of the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail and submitted that the petitioners are also participated in the present crime in question and apart from that there is number of witnesses who have supported the prosecution case.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 220 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 bonds 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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