

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3044 of 2024

Arising Out of PS. Case No.-529 Year-2023 Thana- TAJPUR District- Samastipur

1. Amresh Rai @ Amresh Kumar @ Alik Rai @ Amresh Ray SON OF Raghuvansh Ray RESIDENT OF VILLAGE- BANWARIPUR, PS- TAJPUR (HALAI OP), DIST- SAMASTIPUR
2. SUKESH KUMAR SON OF RAGHUVANSH RAY RESIDENT OF VILLAGE- BANWARIPUR, PS- TAJPUR (HALAI OP), DIST- SAMASTIPUR
3. JAI SHREE DEVI @ JAY SHREE DEVI WIFE OF RAGHUVANSH RAY RESIDENT OF VILLAGE- BANWARIPUR, PS- TAJPUR (HALAI OP), DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-07-2024 Heard Mr. Rambabu Yadav, learned counsel for the

petitioners and the State.

2. The petitioners are apprehending arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 529 of 2023 instituted under Sections 147, 148, 149, 447, 341, 323, 307, 354, 379, 504, 506 of the Indian Penal Code lodged on 17.9.2023 by the informant, Pankaj Kumar.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came with intention of assault and against Amresh Rai (petitioner no.1) there is



allegation that he repeatedly gave 'Farsa' blow causing injury on the head of Ashok Rai while petitioner no.2, Sukesh Kumar gave knife blow on the eyes but it actually hit above the eye causing injury, against the petitioner no.3, Jai Shree Devi there is allegation of assault alongwith the accused persons. The injured were shifted to Sub-Divisional Hospital, Patna and later, Geeta Devi and Ashok Rai shifted to Patna. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case. Both sides have suffered injuries and the allegation that has come against the petitioners is/are not supported by the medical report.

5. Learned APP on the other hand has submitted that a bare perusal of the FIR would show that allegation against petitioner no.1 is of giving repeated 'Farsa' blow whereas against the petitioner no.2, there is allegation of using the knife to injure the eyes which actually hit above the eye-brows causing injury.

6. In the aforesaid background, so far as the petitioner no.1, Amresh Rai and petitioner no.2, Sukesh Kumar are concerned, considering the allegation that has come against them, it would be appropriate that they seek bail. Their



anticipatory bail application stand rejected.

7. So far as the petitioner no.3, Jai Shree Devi is concerned, taking into the fact that she is a lady, omnibus allegation of assault alongwith other accused is/are there, do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail.

8. Let the petitioner no.3, Jai Shree Devi @ Jay Shree Devi be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Tajpur (Halai O.P.) P.S. Case No. 529 of 2023 to the satisfaction of learned A.C.J.M.-1, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner no.3, Jai Shree Devi @ Jay Shree Devi 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 petitioner no.3, Jai Shree Devi @ Jay Shree Devi shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.3, Jai Shree Devi @ Jay Shree Devi 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;

(v) the petitioner no.3, Jai Shree Devi @ Jay Shree Devi 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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