

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28960 of 2025

Arising Out of PS. Case No.-194 Year-2024 Thana- UCHKAGAON District- Gopalganj

1. Anu Kumari D/o Harishankar Sah R/o Village- Jaladi Tola, PS- Uchallagaon, Distt- Gopalganj
2. Kalawati Devi W/o Harishankar Sah R/o Village- Jaladi Tola, PS- Uchallagaon, Distt- Gopalganj
3. Harishankar Sah S/o Late Ram Sunar Sah R/o Village- Jaladi Tola, PS- Uchallagaon, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-07-2025 Heard Mr. Suresh Prasad Bhakta, learned counsel for the petitioners and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that during pendency of the present bail application the petitioner no. 3, namely, Harishankar Sah has been arrested. So the present bail application with respect to him has become infructuous. Hence, he seeks permission to withdraw this application with respect to petitioner no. 3.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as



withdrawn as having become infructuous with respect to petitioner no. 3, namely, Harishankar Sah.

5. The petitioners (except petitioner no. 3) are apprehending their arrest in connection with Uchakagaon P.S. Case No. 194 of 2024, F.I.R. dated 29.06.2024 for the offences punishable under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code.

6. According to prosecution case, co-accused Harishankar assaulted the informant and when the informant's daughter tried to save her then the petitioner, namely, Anu Kumari assaulted her by means of rod causing her injuries. Petitioner, namely, Kalavati Devi snatched ear ring from the informant worth Rs. 20,000/-.

7. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. Although there is specific allegation against the petitioner no. 1 that she has assaulted to the daughter of the informant due to which she has received injury but the injury report of the injured person suggest that the injury is simple in nature caused



by hard and blunt substance.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and injury found on the injured person is simple in nature, let the petitioners (except petitioner no. 3), above named, in the event of their 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Gopalganj in connection with Unchakagaon P.S. Case No. 194 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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