

(2021) 04 PAT CK 0016

Patna High Court

Case No: Criminal Miscellaneous No. 34555 Of 2020

Rakhi Kumari And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: April 5, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 308, 323, 341, 379, 504
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ramesh Kumar Singh, Anant Kumar

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Ramesh Kumar Singh, learned counsel for the petitioners and Mr. Anant Kumar No. 1, learned Additional Public Prosecutor (hereinafter referred to as "APP"™) for the State.
3. The petitioners apprehend arrest in connection with Forbesganj PS Case No. 197 of 2020 dated 11.03.2020, instituted under Sections 341, 323, 308, 379 and 504/34 of the Indian Penal Code.
4. The allegation against the petitioners is of being party to the assault on the son of the informant causing grievous injury on his head and also snatching of cash and chain from him.
5. Learned counsel for the petitioners submitted that the case is totally false and fabricated as the petitioner no. 1 had lodged Forbesganj PS Case No.

190 of 2020 on 10.03.2020 whereas the present case has been filed on the next day. It was submitted that the said case is against the son of the informant and 10-15 unknown, for harassment and assault and the present case is a counter blast. It was submitted that no injury report has been produced by the son of the informant in the present case. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that there is allegation of assault and snatching of chain and cash against the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Forbesganj PS Case

No. 197 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors

shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners,

and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any

law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the

undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every

date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.