

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10605 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- AMAUR District- Purnia

1. Munna Ansari Son of Late Saiyed Khan @ Late Saiyed Ansari, Resident of Village and P.S.- Amour, Dist.- Purnea.
2. Shabnam @ Shabnam Ara Wife of Md. Eklaque, Resident of Village and P.S.- Amour, Dist.- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

For the Petitioner : Mr. Md Rashid Alam, Advocate
For the Opposite Party : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2024 Heard Mr. Md Rashid Alam, the learned counsel
for the petitioners and Mr. Surendra Kumar, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Amour PS Case No. 93 of 2023, FIR dated
15.03.2023, registered for the offences punishable under
Sections 149, 341, 323, 379, 307 and 302 of the Indian Penal
Code.

3. According to the prosecution case, the co-accused
persons were constructing the house and informant objected to
the same due to which the co-accused persons 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 due to admitted land dispute between the parties. He further submits that there is specific allegation against petitioner no. 1 that he has assaulted with iron-rod (*khanti*) to the wife of the informant and she died during treatment and there is no specific allegation of any assault or overt act against petitioner no. 2, at best she may be considered as order giver and the allegation levelled in the FIR against petitioner no. 1 is supported by medical evidence (*post-mortem*).

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the fact that there is direct allegation against the petitioner no. 1, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner no. 1 in connection with Amour PS Case No. 93 of 2023, pending in the Court of learned Chief Judicial Magistrate, Purnea.

7. Hence, the prayer for grant of anticipatory bail to the petitioner no. 1 is refused.

8. Considering the aforesaid facts and circumstances



and mainly the facts that petitioner no. 2 has clean antecedent and as best she may be considered as order giver, let the petitioner no. 2, above-named, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, where the case is pending in connection with **Amour PS Case No. 93 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner no. 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner no. 2 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 learned trial Court shall verify the criminal antecedent of the petitioner no. 2



and in case, at any stage, it is found that the petitioner no. 2 has concealed her criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner no. 2. 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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