

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15672 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- AMAUR District- Purnia

1. Javed son of Naiyar, Resident of Village - Rasaili, PS- Amour, Dist- Purnea.
2. Noor Saba wife of Naiyar, Resident of Village - Rasaili, PS- Amour, Dist- Purnea.
3. Shabana wife of Tajim, Resident of Village - Rasaili, PS- Amour, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Raj Kumar, the learned counsel for the
petitioners and Mr. Raj Ballabh Singh, the learned Additional
Public Prosecutor for the State.

2. After some arguments, learned counsel for the
petitioners seek permission to withdraw the anticipatory bail
application with respect to petitioner no. 3 namely, Shabana.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with
respect to petitioner no. 3 is dismissed as withdrawn.

5. The petitioner nos. 1 and 2 are apprehending their
arrest in connection with Amour PS Case No. 163 of 2023, FIR
dated 21.05.2023, registered for the offence punishable under



Section 302 read with Section 34 of the Indian Penal Code.

6. According to prosecution case, the wife of the informant along with other accused persons assaulted the mother of the informant. It is further alleged that the wife of the informant dashed the mother of the informant on *Chaukhat* (doorpost) toward chest with an intention to kill. It is further alleged that the mother of the informant later succumbed to injury.

7. Learned counsel for the petitioner nos. 1 and 2 submits that petitioner nos. 1 and 2 have clean antecedent and they have falsely been implicated in the present case and petitioner no. 1 and petitioner no. 2 are brother-in-law and mother-in-law of the informant respectively. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against petitioner nos. 1 and 2, rather the specific allegation of assault is against the co-accused person and petitioner no. 3, namely Shabana, who dashed the mother of the informant on the doorpost and during treatment she died.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1 and 2.



9. Considering the aforesaid facts and circumstances and the fact that the petitioner nos. 1 and 2 have clean antecedent and there is no specific allegation of any assault or overt act against them, let the petitioner nos. 1 and 2, above-named, in the event of their arrest or surrender before the 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Purnea, where the case is pending in connection with **Amour PS Case No. 163 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 nos. 1 and 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court shall verify the criminal antecedent of the petitioner nos. 1 and 2 and in case, at any stage, it is found that the petitioner nos. 1 and 2 have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner nos. 1 and 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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