

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20820 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. CHANDNI DEVI WIFE OF MUKESH RAY RESIDENT OF VILLAGE -
TANDA, P.S. - MOHIUDDIN NAGAR, DISTRICT - SAMASTIPUR
 2. MUKESH RAY @ MUKESH KUMAR SON OF DINESH RAY
RESIDENT OF VILLAGE - TANDA, P.S. - MOHIUDDIN NAGAR,
DISTRICT - SAMASTIPUR
 3. MAHAPATI DEVI WIFE OF DINESH RAY RESIDENT OF VILLAGE -
TANDA, P.S. - MOHIUDDIN NAGAR, DISTRICT - SAMASTIPUR
 4. RAGINEE KUMARI @ RAGINEE DEVI WIFE OF SUKESH RAY
RESIDENT OF VILLAGE - TANDA, P.S. - MOHIUDDIN NAGAR,
DISTRICT - SAMASTIPUR
 5. DINESH RAY SON OF LATE BHUVNESHWAR RAY RESIDENT OF
VILLAGE - TANDA, P.S. - MOHIUDDIN NAGAR, DISTRICT -
SAMASTIPUR
 6. SUKESH KUMAR SON OF DINESH RAY RESIDENT OF VILLAGE -
TANDA, P.S. - MOHIUDDIN NAGAR, DISTRICT - SAMASTIPUR
 7. PHUL KUMARI @ FULO DEVI WIFE OF RAJA KUMAR RESIDENT
OF VILLAGE - MUSAPUR, P.S. - SARAIRANJAN (GHATAHO O.P.),
DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Praveen, Advocate
For the Informant	:	Mr. Dilip Kumar Roy, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Kumar Praveen, learned counsel for the

petitioners, Mr. Dilip Kumar Roy, learned counsel appearing on

behalf of the Informant and Mr. Ashok Kumar Singh, learned

APP for the State.

2. The petitioners are apprehending their arrest in



connection with Mohiuddin Nagar P.S. Case No. 209 of 2023, F.I.R. dated 01.08.2023 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged date of occurrence informant received information that his sister Geeta Devi has been killed by her co-sharers and when he reached there and found the dead body of his sister was lying on a cot tied in a cloth and when he opened the said cloth he saw that the head of the dead body was badly damaged and say injury mark on whole body.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case due to ulterior motive. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 12.07.2023 but the present F.I.R. was instituted on 01.08.2023 after delay of about 20 days without giving any explanation of delay and apart from that only to falsely implicate the petitioners the son of the deceased has already filed U.D. Case No. 03 of 2023 on 16.07.2023 with respect to the death of the deceased and in the U.D. case the son of the deceased has stated that his mother has died in an accident in Mohiuddin Nagar Police Station on



12.07.2023.

5. Learned counsel appearing on behalf of the Informant and learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and for the same occurrence the son of the deceased has already filed U.D. case before lodging of the present case, let the petitioners, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Samastipur in connection with Mohiuddin Nagar P.S. Case No. 209 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the



Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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