

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23972 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- PUNAURA District- Sitamarhi

Guddu Rai S/o- Ram Kishor Rai, R/o Village- Vishwanathpur, PS- Dumra,
Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 30344 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- PUNAURA District- Sitamarhi

Sunita Devi W/o Late Ram Vivek Yadav, Resident of Village- Chak Mahila,
Ward No. 21, Police Station- Punaura, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23972 of 2024)

For the Petitioner : Mr. Ashhar Mustafa, Advocate

For the Informant : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Anuj Kumar Shrivastava, APP

(In CRIMINAL MISCELLANEOUS No. 30344 of 2024)

For the Petitioner : Mr. Uday Kumar, Advocate

For the Informant : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Both the criminal miscellaneous petitions have arisen

out of the same police station case number, hence they are being

heard together and decided by a common order.

2. Heard the learned counsel for the petitioners, the

learned counsel for the informant and the learned Additional

Public Prosecutors for the State.

2. Petitioners seeks regular bail and petitioner in Cr.

Misc. No. 23972 of 2024 is in custody since 13.01.2024 and



petitioner in Cr. Misc. No. 30344 of 2024 is in custody since 13.01.2024, in connection with Punaura P.S. Case No. 11 of 2024, FIR dated 11.01.2024, registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, the co-accused persons knocked at the door of the informant and called out her husband and upon provocation by petitioner Sunita Devi, all other co-accused persons dragged the husband of the informant. It is further alleged that Anil Yadav, Guddu Kumar @ Shambhu and the petitioner pulled out pistols and opened fire upon the husband of the informant, who later succumbed to his injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioner in Cr. Misc. No. 23972 of 2024 is the husband of full sister of step mother of the informant and petitioner in Cr. Misc. No. 30344 of 2024 is the step mother of the informant and both the petitioners have falsely been implicated due to admitted land dispute between the parties. He further submits that although the petitioners are named in the FIR and there is specific allegation



that petitioner in Cr. Misc. No. 23972 of 2024 (Guddu Rai) along with other co-accused persons have opened fire upon the victim. He further submits that although there is specific allegation that all the co-accused persons have opened fire upon the victim, but the *post-mortem* report does not support the allegation levelled in the FIR, as only one entry wound and one exit wound was found on the person of the deceased. He further submits that there is no allegation of firing attributed upon the petitioner in Cr. Misc. No. 30344 of 2024 (Sunita Devi). He lastly submits that the police after investigation has submitted the charge sheet against the petitioners and both the petitioners are in judicial custody since 13.01.2024.

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 aforesaid facts and circumstances, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with **Punaura P.S. Case No. 11 of 2024**, subject to the following conditions:

(i). Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned 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 learned trial Court 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 learned trial Court 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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