

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40413 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- MADHAURAH District- Saran

Rina Devi @ Reena Devi Wife of Bhim Ray, Resident of Village - Marhowrah Khas (Mai Tola), P.S. - Marhowrah, District - Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 44853 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- MADHAURAH District- Saran

1. Punam Devi Wife of Arjun Kumar Yadav, Resident of Village - Marhawrah Khas (Mai Tola), P.S. - Marhawrah, District - Saran At Chapra.
2. Raj Kumar Yadav @ Raj Kumar Rai Son Of Ramaji Ray, Resident Of Village - Marhawrah Khas (Mai Tola), P.S. - Marhawrah, District - Saran At Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance:

(In CRIMINAL MISCELLANEOUS No. 40413 of 2024)

For the Petitioner : Mr. Tejpratap Singh, Advocate

For the Opposite Party : Mr. Pramod Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 44853 of 2024)

For the Petitioners : Mr. Tejpratap Singh, Advocate

For the Opposite Party : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 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 Mr. Tejpratap Singh, the learned counsel for the petitioners and Mr. Pramod Kumar Pandey, the learned



Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Marhowrah PS Case No. 416 of 2023, FIR dated 12.07.2023, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

4. According to the prosecution case, the co-accused persons, variously armed, came at the door of the informant and assaulted the informant and his family members. It is further alleged that they also snatched Rs. 25,000/- (Rupees twenty-five thousand) cash from them.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that they are family members of the co-accused persons. He further submits that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. 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 the petitioners, rather the allegation of assault is attributed against the co-accused persons namely, Vishal Kumar @ Bishal Kumar and Vikash Kumar. He lastly submits that the co-accused persons namely, Nakul Kumar and



Bhim Kumar Yadav @ Bhim Kumar have been granted the privilege of anticipatory bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 25364 of 2024.

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

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there is no specific allegation of any assault or overt act attributed against them and other co-accused persons namely, Nakul Kumar and Bhim Kumar Yadav @ Bhim Kumar have been granted the privilege of anticipatory bail by this Court, let the petitioners (**in Cr. Misc. No. 40413 of 2024 and in Cr. Misc. No. 44853 of 2024**), above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned District and Session Judge, Saran at Chapra, where the case is pending in connection with **Marhowrah PS Case No. 416 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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