

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41313 of 2024

Arising Out of PS. Case No.-80 Year-2022 Thana- PURNEA SADAR District- Purnia

1. Munni Khatun W/O Anwar R/O Village- Shishabari, Damka, P.S- Sadar, Distt.- Purnea.
 2. Md. Sabdul S/O Md. Sadiya @ Said
 3. Md. Jahir S/O Late Navi Baks
 4. Daraksna Khatun W/O Md. Afsar
 5. Sabina Khatun W/O Md. Sabdul
 6. Sanjida Khatun W/O Md. Jahi.
- Petitioner Nos.2 to 6 are R/O Village- Damka, West Tola, P.S- Sadar, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr.Bipin Kumar, learned counsel for the

petitioners and Mr.Narendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sadar P.S.Case No.80 of 2022, FIR dated 04.02.2022 registered for the offences punishable under Sections 323,324,307,442,379,504,506 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant alleged that all the accused persons came into the house of the



informant and co-accused Md.Sonu gave Dabiya blow on the head of the husband of the informant and when her brother-in-law came to save her husband then Md. Afsar gave lathi blow on the head of her brother-in-law and they became injured. Further alleged that all the accused broke the box of the informant and took away cash worth Rs.60,000/- and jewellery worth Rs.50,000/-.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the complaint petition it appears that the date of occurrence as alleged in the FIR is 13.04.2021 but the complaint case has been filed on 09.09.2021 after delay of five months without giving any explanation of delay. There is case and counter case and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioners. Specific allegation of assault is attributed against co-accused persons, namely, Md.Sonu and Md. Afsar.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No.80 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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.

(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 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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