

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1195 of 2025

Arising Out of PS. Case No.-449 Year-2024 Thana- BIDUPUR District- Vaishali

1. Jai Mangal Rai @ Jaimangal Singh Son of Late Lal Bihari Rai Resident of Village - Mathura, Police Station - Bidupur, District - Vaishali
2. Khushboo Kumari Daughter of Pappu Rai @ Ram Drashan Rai Resident of Village - Mathura, Police Station - Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bidupur Police Station Case No. 449 of 2024, disclosing offences under Sections 75, 351(2)/109 of B.N.S., 2023 and under Section 27 of the Arms Act.

3. As per the F.I.R, many unsocial elements used to visit the house of Pappu Rai (father of petitioner no. 2) and used to tease and misbehave with the females of the locality. On 26.07.2024, when informant's father made a complaint to the grandfather of petitioner no. 2, the accused persons started abusing and threatening to kill him. In the meanwhile, petitioner



no. 2 called her criminal associates/friends and told them to kill informant's father upon which Nikhil Kumar Singh, Sipu Singh and Rinku Singh armed with gun arrived. It has been alleged that accused Sipu Singh and Rinku Singh fired upon the informant's father which did not hit him and co-accused Nikhil Kumar fired from his gun which hit on informant's chest and he fell down.

4. Learned Counsel for the petitioners submits that petitioner no. 1 is an order giver and the allegation against petitioner no. 2, who is a lady, is that she called her criminal associates/friends in order to kill informant's father. The petitioner no. 2 is a young lady and is preparing for appointment in para-military force for which examination is conducted by Staff Selection Commission and she has applied for Constable (GD) in Central Armed Police Forces (CAPFs), SSF, and Rifleman (GD) in Assam Rifles Examination, 2024, for which admit card has been issued. Learned counsel further submits that petitioner no. 2 has cleared the written examination and was preparing for the physical test. On 26.07.2024, at about 6:30 P.M., when she was returning after completing her running, Mahesh Rai i.e. the father of the informant and Uday Kumar caught her and started pulling her clothes to outrage her



modesty for which an F.I.R has been lodged by petitioner no. 2 bearing Bidupur P.S. Case No. 422 of 2024 on 27.07.2024. After lodging of the F.I.R. by the petitioner no. 2 against the informant's father and others, the present F.I.R for the same date of occurrence has been lodged after delay of four days in *fardbeyan* and ten days in lodging the formal F.I.R. The injury caused to the informant is simple in nature as would be evident from Annexure-4, injury report. The injury sustained by the informant is not attributable to the petitioners and the petitioner no. 1 is about eighty years old and is the order giver.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that petitioner no. 1 is an old person aged about eighty years and is the order giver and there is no specific allegation of assault and of firing on petitioner no.2 and there is case and counter case, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur, in connection with Bidupur Police Station Case No. 449 of 2024, subject to the condition laid down under Section 482 (2) of the B.N.S.S., 2023.

(Anil Kumar Sinha, J)

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