

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4366 of 2025**

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

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Gautam Kumar S/o Late Sitaram Ray R/o village- Tanda, P.S.- Mohiuddin  
Nagar, Dist.- Samastipur ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      31-01-2025                      Heard Mr. Kumar Praveen, learned counsel for the  
  
petitioner and Mr. Suresh Prasad Singh, learned APP for the  
  
State.

2. The petitioner is apprehending his 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 saw  
injury mark on whole body.

4. Learned counsel for the petitioner submits that the  
petitioner has clean antecedents and he has 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 petitioner 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 APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent and for the same occurrence the son of the deceased has already filed U.D. case before lodging of the present case, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned J.M. 1<sup>st</sup> Class, 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 / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions :-

(i) petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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