

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10803 of 2025

Arising Out of PS. Case No.-288 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Parikha Ram Son of Sudama Ram Resident of Village - Dhanechha, P.S. - Durgawati, District - Kaimur at Bhabhua
2. Arti Devi Wife of Parikha Ram Resident of Village - Dhanechha, P.S. - Durgawati, District - Kaimur at Bhabhua
3. Gopi Ram Son of Sudama Ram Resident of Village - Dhanechha, P.S. - Durgawati, District - Kaimur at Bhabhua
4. Jotish Ram Son of Sudama Ram Resident of Village - Dhanechha, P.S. - Durgawati, District - Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy, Adv.
For the Opposite Party/s	:	Mr. Dr. Kumar Uday Pratap, APP
For the informant	:	Mrs. Kumari Anupam, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-05-2025 Heard, Mr. Ashutosh Tripathy, learned Counsel for the petitioners, the State as also Mrs. Kumari Anupam representing the informant.

2. The petitioners apprehend their arrest in connection with Durgawati P.S. Case No. 288 of 2024 for the offence registered under sections 103(1), 3(5) of B.N.S. 2023 lodged on 15.09.2024 by the informant, Jokhan Ram.

3. As per the prosecution story, the informant alleged that the accused side stomped their house and assaulted which resulted into death of his wife. This led to the FIR.

4. Learned Counsel for the petitioners submit that there



is case and counter case, their case being earlier to the present one, the post-report does not match with the observation of the learned Sessions Judge and they do not have criminal antecedent.

5. Learned counsel representing the informant on the other hand opposes the prayer submitting that the lady was brutally assaulted and even before she could reach hospital, died. Sudama Ram and Puja Devi beside all the accused persons were instrumental in the killing of the informant's wife, Prabhawati Devi.

6. Considering the allegations which led to the unfortunate death of the lady, brutal assault is attributed to all the persons, beside Sudama Ram and Puja Devi, in that background, this Court is not inclined to extend relief to petitioner nos. 1, 3 and 4 namely Parikha Ram, Gopi Ram and Jotish Ram and they are well advised to take bail.

7. So far as the petitioner no. 2, Arti Devi is concerned, though the allegation is there against her, considering that she has no criminal antecedent, is a lady, has undertaken to cooperate in the investigation, in that background, this Court is inclined to grant petitioner no. 2 (Arti Devi) the anticipatory bail with conditions.

8. Let the petitioner no. 2 (Arti Devi) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on



furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kaimur at Bhabua in connection with Durgawati P.S. Case No. 288 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner no. 2 (Arti Devi), who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2 (Arti Devi) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner no. 2 (Arti Devi) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no. 2 (Arti Devi) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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