

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15152 of 2025

Arising Out of PS. Case No.-538 Year-2024 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Gunja Devi Wife of Lalan Sahani Resident of Village -Baswariya Ward No 46, PS- Muffasil Motihari, District- East Champaran, Motihari
 2. Sarita Devi Wife of Sipahi Sahani @ Ravi Sahani Resident of Village -Baswariya Ward No 46, PS- Muffasil Motihari, District- East Champaran, Motihari

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the Informant	:	Mr. Sonu Kumar, Advocate
For the State	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2025 Heard Mr. Karandeep Kumar, learned counsel for the petitioners, Mr. Sonu Kumar, learned counsel for the Informant and Mr. Prem Kumar Jha, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 538 of 2024, F.I.R. dated 09.11.2024 registered for the offences punishable under Sections 103 and 3(5) of Bhartiya Nyaya Sanhita, 2023.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted to the father of the informant due to which the father of the informant died on the spot.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned counsel for the Informant and learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against these petitioners, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 538 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

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(Rajesh Kumar Verma, J)

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