

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17345 of 2025

Arising Out of PS. Case No.-498 Year-2024 Thana- RAJAON District- Banka

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1. Manoj Kumar Yadav S/o- Bisheshwar Yadav Village- Ghutiya PS-Rajoun District- Banka
 2. Sittu Kumar Raja @ Sittu Kumar S/o- Manoj Kumar Yadav Village- Ghutiya PS-Rajoun District- Banka
 3. Usha Devi W/o- Manoj Kumar Yadav Village- Ghutiya PS-Rajoun District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the State : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Brij Nandan Prasad, learned counsel for the petitioners as well as Mr. Anand Kishore Choudhary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajoun P.S. Case No. 498 of 2024, F.I.R. dated 15.10.2024 for the offences punishable under Sections 137(2), 140(3), 352, 351(2), 3(5) of BNS, 2023.

3. According to prosecution case, daughter of the informant went missing and when the informant went to the house of the petitioners to ask them about the daughter, then all the accused persons including these petitioners abused and threatened the informant to kill her daughter.

4. Learned counsel for the petitioners submits that



petitioners have falsely been implicated in the present case. It is further submitted that name of the petitioners transpired only because they are father, brother and mother of the co-accused namely, Bittu Kumar Raja. The allegation as alleged in the FIR is false and fabricated and petitioners have not committed any offence as alleged in the FIR. It is further submitted that co-accused Bittu Kumar Raja is under custody since 02.02.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are accused in one more case other than the present one but fairly submits that the petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances that the petitioners are the family members of the co-accused person and there is no specific allegation against the petitioners rather there is allegation that they threatened to kill the daughter of the informant, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 498 of 2024, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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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