

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17625 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- Fekla District- Darbhanga

1. Gopal Jha S/O Umesh Jha Resident of Village- Kamalpur, Police Station- Fekla, District- Darbhanga
2. Umesh Jha S/O Late Ram Gulam Jha Resident of Village- Kamalpur, Police Station- Fekla, District- Darbhanga
3. Rita Devi W/O Umesh Jha Resident of Village- Kamalpur, Police Station- Fekla, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Nilendru Kumar Choudhary, learned counsel for the petitioners and Mr. Jai Narain Thakur, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Fekla P.S. Case No. 97 of 2024, F.I.R. dated 30.11.2024 registered for the offences punishable under Sections 126(2)/115/352/103(1)/85/80 and 3(5) of the B.N.S. 2023.

3. Allegation against the petitioners is that he along with other co-accused persons have assaulted and tortured the informant's sister and killed her, tied a rope around her neck and hung it.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case merely on the ground that the petitioners are in-laws of the deceased. Although, the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and on the basis of suspicion, the petitioners have been falsely implicated in the present case. In fact, the deceased has committed suicide herself and the husband of the deceased who happens to be the son of petitioner no. 2 namely, Govind Jha has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 13.05.2025 passed in Cr. Misc. No. 16524 of 2025.

5. Learned APP for the State has 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 the informant is not an eye witness of the alleged occurrence and there is no specific allegation against the petitioners and the husband of the deceased has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, 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 Additional Chief Judicial Magistrate-I, Darbhanga in connection with Fekla P.S. Case No. 97 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)

