

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18183 of 2025

Arising Out of PS. Case No.-702 Year-2023 Thana- GARKHA District- Saran

1. Pramod Rai Son of Late Mithu Rai Resident of Village - Jalal Basant, P.S. - Garkha, District - Saran
2. Rinku Devi Wife of Pramod Rai Resident of Village - Jalal Basant, P.S. - Garkha, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s :		Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-07-2025 Heard Mr. Ravi Prakash, learned counsel for the petitioners and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 702 of 2023, F.I.R. dated 29.11.2023 for the offences punishable under Sections 341, 323, 325, 302/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have brutally assaulted the informant and her husband due to which her husband died.

4. Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and petitioner no. 2 carries one criminal antecedent other than the present one and she is on bail in the pending matter. He further submits that the allegation



as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. From perusal of the F.I.R it appears that the date of occurrence is 27.11.2023 but the present F.I.R has been instituted on 29.11.2023 i.e., after delay of two days without giving any explanation of the said delay. Apart from that the specific allegation of assault is against the co-accused, namely, Vikram Rai and there is no specific allegation against these petitioners and the postmortem report of the deceased does not support the allegation as alleged in the F.I.R.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the allegation as alleged against the petitioners does not supported by the medical report (postmortem report), 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 Additional Chief Judicial Magistrate-IV, Saran at Chapra in connection with Garkha P.S. Case No. 702 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. 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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