

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18598 of 2025

Arising Out of PS. Case No.-124 Year-2024 Thana- GAYA MUFASIL District- Gaya

1. Upendra Sao S/o Late Jayram Sao R/o Village- Bhusunda Devi Sthan, PS- Muffasil, Distt.- Gaya
2. Raju Sao S/o Lakhan Sao R/o Village- Bhusunda Devi Sthan, PS- Muffasil, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujata Devi W/o Nagendra Pal, R/o Vill. Rajaundha, P.S. Bodhgaya, Dist. Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2025 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioners and Mr. Rajendra Nath Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 124 of 2024, F.I.R. dated 09.02.2024 for the offences punishable under Sections 341, 323, 448, 379, 504, 506/34 of Indian Penal Code.

3. According to prosecution case, the informant alleged that she along with her husband went to the house of the petitioners and requested to get the land registered for which money was paid to the petitioners but they abused and pushed



her and ousted from the house. On 08.02.2024, petitioners along with other accused persons came to her house and molested and assaulted her and took chain from her worth of Rs. 2,500/-.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. The present case is the counter blast of Gaya Mufassil P.S. Case No. 98 of 2024 filed by petitioner no.2 against the husband of informant on 03.02.2024 and the informant has filed the present case only with a view to save her skin from the aforesaid case. 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. and the present FIR instituted on 09.02.2024 after filing of Gaya Mufassil P.S. Case No. 98 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against these petitioners and apart from that petitioner no.1 has clean antecedent and petitioner no.2 has got one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that he is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances



and the fact that the present case is the counter blast of Gaya Mufassil P.S. Case No. 98 of 2024 which was lodged prior to the institution of the present FIR, 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 C.J.M. Gaya in connection with Mufassil P.S. Case No. 124 of 2024, 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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