

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21816 of 2025

Arising Out of PS. Case No.-398 Year-2024 Thana- BATHNAHA District- Sitamarhi

1. Suresh Rai S/O Narayan Ray R/O Vill.- Bangaraha, Ward no. 3, East Tola, P.S.- Bajpatti, Dist.- Sitamarhi.
2. Kiran Devi W/O Suresh Rai R/O Vill.- Bangaraha, Ward no. 3, East Tola, P.S.- Bajpatti, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Jyoti Kumari, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Dharmesh Kumar Shrivastava, Advocate
	:	Mr. Ritesh Kumar Narain Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard Mrs. Jyoti Kumari, learned counsel for the petitioner, Mr. Dharmesh Kumar Shrivastava, learned counsel representing the informant as also learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Bathnaha P.S. Case No. 398 of 2024 for the offence under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 31.08.2024 by the informant, Pradeep Rai.

3. As per the prosecution story, the informant is the father who has lodged the F.I.R. on the basis of the narration given by his father-in-law, alleged that when his father-in-law



was returning from fair, saw these petitioners alongwith Nitish Kumar and Kabbi Kumar caught hold of Randhir @ Golu. The allegation is that Nitish Kumar attacked him with the knife on the chest whereafter they escaped. Further allegation is that earlier Nitish Kumar and Kabbi Kumar threatened the victim of dire consequences. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that the F.I.R. is on the basis of narration and the informant is not an eye witness. Further, specific allegation is against Nitish Kumar that he gave the knife blow on the chest of his son which proved fatal. These two petitioners are father and mother of Nitish Kumar and only to implicate them, the allegation of their presence has been made, both are aged person and have no criminal antecedent.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that though F.I.R. is on the basis of narration of the father-in-law, the role of these petitioners are also there. He however concede that the fatal blow was given by Nitish Kumar.

6. Taking into account the aforesaid facts as also that allegation mainly is against Nitish Kumar of giving knife blow in the chest, these two petitioners are parents of Nitish Kumar,



having no criminal antecedent, aged person, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Sitamarhi, in connection with Bathnaha P.S. Case No. 398 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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