

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29468 of 2025

Arising Out of PS. Case No.-52 Year-2021 Thana- VIJAYEPUR District- Gopalganj

1. Suganti Devi W/O- Subash Gond R/O-Village- Matiyari, P.S.- Vijaipur, District- Gopalganj.
2. Kiran Devi W/O- Ramchandra Gond R/O Village- Raipura, P.S.-Kateya, Dist.- Gopalganj.
3. Sunita Devi W/O- Guddu Gond R/O Village- Kurthhiya, P.S.- Kateya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2025 Heard Mr. Ranjeet Kumar Pandey, learned counsel
for the petitioners as well as Mr. Anant Kumar 1, learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
16.12.2024 in connection with Vijaipur P.S. Case No. 52 of
2021, F.I.R. dated 08.03.2021 for the offences punishable under
Sections 328, 302, 201 and 34 of the Indian Penal Code and
Section 3(2)(v) SC/ST Act and Section 44 of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. According to prosecution case, the informant
alleged that the petitioners alongwith other co-accused persons



have killed his uncle.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Although the petitioners are not named in the FIR and their name transpired on the basis of confessional statement of co-accused person, namely, Subhash Gond who happens to be the husband of petitioner no.1 and except the confessional statement of co-accused person, no other cogent material is available which suggest the involvement of the petitioners in the present occurrence and co-accused person, namely, Subhash Gond has been granted the the privilege of bail by this Court vide order dated 03.04.2023 in Cr. Misc. No. 16451 of 2022. He further submits that for the same set of allegation two FIR have been instituted, first is the Vijaipur P.S. Case No.52 of 2021 and second is Vijaipur P.S. Case No.54 of 2021. The police after investigation has submitted charge-sheet. The petitioners are in custody since 16.12.2024.

5. The learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioners are on



bail in one out of two cases.

6. Considering the aforesaid facts and circumstances, petitioners are not named in the FIR and their name transpired on the basis of confessional statement of co-accused person, namely, Subhash Gond and he has been granted the privilege of bail by this Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Vijaipur P.S. Case No. 52 of 2021, subject to the 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 petitioner 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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