

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30150 of 2025

Arising Out of PS. Case No.-649 Year-2024 Thana- SIKARPUR District- West Champaran

1. Sunaina Devi W/O Mohachand Ram @ Motichand Ram @ Mohachan Ram R/O Village- Fulwariya, Ward No.-10, P.S- Shikar Pur, Distt.- West Champaran.
2. Geeta Devi W/O Arjun Ram R/O Village- Fulwariya, Ward No.-10, P.S- Shikar Pur, Distt.- West Champaran.
3. Anita Devi @ Amita Devi W/O Jeet Ram @ Anarjit Ram R/O Village- Fulwariya, Ward No.-10, P.S- Shikar Pur, Distt.- West Champaran.
4. Bunna Devi W/O Amar Ram R/O Village- Fulwariya, Ward No.-10, P.S- Shikar Pur, Distt.- West Champaran.
5. Motichand Ram S/O Late Prahalad Ram R/O Village- Fulwariya, Ward No.- 10, P.S- Shikar Pur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Shikar Pur P.S. Case No. 649/2024 (G.R. No. 856/24) for the offence registered under sections 126(2), 115(2), 85, 109, 352, 3(5), of BNS and Section 37 of Bihar Prohibition of Excise Act, 2016 lodged on 14.09.2024 by the informant, Gita Devi.

3. As per the prosecution story, the informant alleged that her husband who is an addicted person, with the help of his family members, assaulted her. She was taken to Narkatiyaganj Hopsital, which followed the FIR.



4. Learned Counsel for the petitioners submit that the fight was between husband and wife, the family members have been dragged in. Though assault theory is there, no injury report is on record, the couple has since compromised and further as a token of respect, they want to contribute Rs. 500/- each (totaling Rs. 2,500/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they assaulted the lady.

6. Considering the submissions of the parties as also the fact that omnibus allegation of assault is there, three of them are ladies, injury report is not on record, have no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 500/- each (totaling Rs. 2,500/-) to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge, Excise-II, Bettiah, West Champaran in connection with Shikar Pur P.S. Case No. 649/2024 (G.R. No. 856/24) subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *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 his 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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