

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40517 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- BIBHUTIPUR District- Samastipur

1. Suman Kumari @ Suman Dive W/o Rajesh Kumar R/o Village - Sakhmohan, PS- Bibhutipur, Distt- Samastipur
2. Rajesh Kumar @ Rajesh Kumar Das @ Rajesh Das @ Munna S/o Ramesar Das @ Rameshwar Das R/o Village - Sakhmohan, PS- Bibhutipur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhav Kumar, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2025 Heard Mr. Madhav Kumar, learned counsel for the petitioners and Mr.Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bibhutipur P.S.Case No.174 of 2024, FIR dated 13.06.2024 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 354, 307, 341, 342, 302 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that on 12.06.2024 at about 12 O’Clock due to dispute the petitioners alongwith other co-accused persons entered in her room and assaulted her and her husband, due to which her



husband died.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case, although the petitioners are named in the F.I.R., but from a bare perusal of the FIR, it appears that thirteen persons have assaulted the informant and her family members and in the present occurrence the husband of the informant died, which suggests that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and there is case and counter case. Similarly situated co-accused persons, namely, Jay Mangali Devi and Chhoti Devi, have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 08.05.2025 passed in Cr. Misc. No.87766 of 2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and the fact that the petitioners have clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioners and



the similarly situated co-accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court, let the petitioners, above named, in the event of their 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 learned S.D.J.M., Rosera, Samastipur, in connection with Bibhutipur P.S. Case No.174 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/under Section 482(2) of the B.N.S.S., 2023 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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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