

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40749 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MAIGRA District- Gaya

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1. Malti Devi W/O Bali Yadav @ Ram Bali Yadav @ Ramvali Yadav R/O Village- Chonha, Tola- Naykadih, P.S- Maigra, Dist.- Gaya.
 2. Bebi Devi W/O Dinesh Yadav R/O Village- Chonha, Tola- Naykadih, P.S- Maigra, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Rakesh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard the learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Maigra P.S. Case No. 12 of 2025 for the offences punishable under Sections 103 and 3(5) of the B.N.S., 2023.

3. At this stage, learned counsel for the petitioners submits that he would not be pressing the anticipatory bail application with respect to petitioner No.2 and therefore, the anticipatory bail application with respect to petitioner No.2, namely, Bebi Devi, stands dismissed as withdrawn.

4. It has further been submitted that the petitioner No2, namely, Malti Devi, would surrender before the Court below for



regular bail within a period of four weeks and the regular bail application of the petitioner No.2, namely, Bebi Devi, may be directed to be considered and disposed off on the same date.

5. The prayer of the counsel representing the petitioner No.2 is accepted and the learned Court concerned is directed to decide the bail application preferably on the same day, if it is otherwise possible.

6. Accordingly, the anticipatory bail application with respect to petitioner No.2 is disposed off, as not pressed and withdrawn.

7. As per the prosecution case, on 25.02.2025 at 11:45 A.M., Surendra Kumar filed a written complaint with the police regarding an incident that occurred on 24.02.2025 at 8:00 A.M., alleging that 10 accused persons armed with sharp weapons like axes and knives assaulted his mother, causing her death on the spot.

8. Learned counsel for the petitioner submits that the petitioner is innocent, has not committed any offence and has falsely been implicated in the present case. Insofar as the allegations leveled in the F.I.R., is concerned, there is no direct allegation against the petitioner and further no such occurrence is said to have taken place and the entire prosecution case is false and concocted. It has next been submitted that the post mortem



report done over the body of the deceased does not corroborate the allegations levelled in the F.I.R.

9. Be that as it may, considering the fact that the petitioner No.1, namely, Malti Devi, has clean antecedent and during the course of investigation, no single and independent witness have supported the prosecution case, save and except, the allegations made by the informant, who is said to have seen the accused person on the alleged place of occurrence but no specific allegation against the petitioner No.1 is alleged.

10. Learned APP for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail application.

11. Considering the aforesaid facts and circumstances, the petitioner No.1, namely, Malti Devi, is a lady and has clean antecedent and no independent witness supports the allegations with regard to any overt act having been attributed against the petitioner, the let the petitioner No.1, namely, Malti Devi, in the event of her 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Shergati at Gaya in connection with Maigra P.S. Case No. 12 of 2025,



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

ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

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

(Ajit Kumar, J)

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