

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48497 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- THAKURGANJ District- Kishanganj

1. Kamalu @ Kamal Hussain S/O Hasain Ali @ Md Hussain R/O Dighli ward no. 09, P.S.- Thakurganj, District- Kishanganj
2. Khusnuma @ Khunama @ Khushnuma Begam D/O Kamalu @ Kamal Hussain R/O Dighli ward no. 09, P.S.- Thakurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2025 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and Mr. Satyendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Thakurganj P.S. Case No. 162 of 2024, F.I.R. dated 18.11.2024 for the offences punishable under Sections 105, 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that her in-laws used to quarrel with her as she gave birth to a girl child. On 17.11.2024, petitioner no.1 snatched her daughter from her lap and threw her on the earth. It is further alleged that petitioner no.2 did not allow the informant to lift the child due to which her two months old daughter died.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Petitioner no.1 is father-in-law and petitioner no.2 is sister-in-law of the informant. As per allegation in the FIR, the petitioners have thrown the child of the informant on ground due to which her child got injured and later on died. He further submits that infact the police has submitted the final form in favour of the petitioners but the learned court below in mechanical manner had taken cognizance against the petitioners vide order dated 18.01.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and the police has submitted the final form in favour of the petitioners but the learned court below in mechanical manner had taken cognizance against the petitioners, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Kishanganj in connection with Thakurganj P.S. Case No. 162 of 2024, 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. 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 petitioners 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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