

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69019 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- BHELDI District- Saran

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1. Mamta Devi W/O Bimal Tiwari Resident of Vilalge- Hussaipur Babu Ke Parsa, P.S- Ekma, District- Saran at Chapra.
 2. Sarita Pathak @ Sarita Devi W/O Late Ramanuj Pathak R/O Village- Bheldi Bazar, P.S- Bheldi, Distt.- Saran at Chapra.
 3. Bimal Tiwari @ Bimal Kumar Tiwari S/O Kishundeo Tiwari R/O Village- Hussepur, Babu ke Parsa, P.S- Ekma, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr.Nawal Kishore Singh, learned counsel for the petitioners and Mr.Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bheldi P.S.Case No.111 of 2024, FIR dated 02.04.2024 registered for the offences punishable under Sections 302,120(B)/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they murdered Ramanuj Pathak for sake of his property and also out of fear of disclosure of false case of his abduction.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and petitioner No.1 is daughter of the deceased and petitioner No.2 is wife of the deceased and petitioner No.3 is son-in-law of the deceased. Further submits that from a bare perusal of complaint petition/FIR it appears that the informant/complainant has not stated the date and time of occurrence and even in the case diary the postmortem report is not available which suggests that such crime has been committed by the petitioners or any other person and apart from that, the present case is counter blast of Bheldi P.S.Case No.121 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, petitioners have clean antecedent, postmortem has not been conducted and the FIR has been instituted after ten years of filing of the complaint petition and even in the complaint petition, the complainant has not stated anything with respect to the date and time of occurrence, 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 A.C.J.M.-XI, Saran at Chapra in connection with Bheldi P.S. Case No.111 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 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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