

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72512 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- SHEOHAR District- Sheohar

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1. Krishnanadan Patel S/o Late Chalitar Raut R/o Village- Nagar Parishad Sheohar, Ward No. 09, P.S and Dist.- Sheohar, Pin- 843329
 2. Balram Kumar @ Balram Patel S/o Krishnandan Patel R/o Village- Nagar Parishad Sheohar, Ward No. 09, P.S and Dist.- Sheohar, Pin- 843329
 3. Bhola Patel @ Bhola Kumar S/o Krishnandan Patel R/o Village- Nagar Parishad Sheohar, Ward No. 09, P.S and Dist.- Sheohar, Pin- 843329
 4. Awadhesh Patel @ Awadhesh Kumar @ Mickel S/o Krishnandan Patel R/o Village- Nagar Parishad Sheohar, Ward No. 09, P.S and Dist.- Sheohar, Pin- 843329
 5. Ramji Patel @ Ramjee S/o Krishnandan Patel R/o Village- Nagar Parishad Sheohar, Ward No. 09, P.S and Dist.- Sheohar, Pin- 843329

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the State	:	Mr. Ram Anurag Singh, APP
For the Informant	:	Ms. Madhubala Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2025 Heard Mr. Rajesh Mohan, learned counsel for the petitioners, Ms. Madhubala Verma, learned counsel appearing on behalf of the informant as well as Mr. Ram Anurag Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sheohar P.S. Case No. 215 of 2024, F.I.R. dated 26.07.2024 for the offences punishable under Sections 126(2), 49, 115(2), 103(1), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.



3. According to prosecution case, the generator of the petitioners was kept outside the door of informant's house for the purpose of marriage of Balram Patel due to which the informant's mother was feeling difficulty and when the informant told them to remove the generator then all these petitioners started assaulting him. It is further alleged that when the informant's mother tried to save him then all these petitioners started assaulting her by pressing her neck resulting into her death.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R, it appears that initially the date of occurrence is 15.07.2024 but the present F.I.R has been instituted on 26.07.2024. He further placed Annexure-2 of the bail petition which suggests that the petitioners have booked generator which were used in the marriage for two days i.e. on 14.07.24 and 15.07.24 and apart from that the allegation is that the petitioner, namely, Bhola Patel has assaulted the mother of the informant



but the postmortem report does not support the allegation as alleged in the F.I.R.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that with the common intention, the petitioners have committed murder of the mother of the informant.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no allegation against these petitioners and apart from that the postmortem report does not support the allegation as alleged in the F.I.R, 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, Sheohar in connection with Sheohar P.S. Case No. 215 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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