

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66951 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- PHENHARA District- East Champaran

1. Nageshwar Ram S/o Late Bhagwat Ram Resident of Village - Madhurapur, P.S. - Phenhara, District - East Champaran
2. Indu Devi W/o Sanjay Ram Resident of Village - Madhurapur, P.S. - Phenhara, District - East Champaran
3. Ravina Devi @ Veena Kumari @ Veena Kumar W/o Ajay Ram Resident of Village - Madhurapur, P.S. - Phenhara, District - East Champaran
4. Madhumita Kumari W/o Akshay Ram Resident of Village - Madhurapur, P.S. - Phenhara, District - East Champaran
5. Pooja Kumari D/o Kishore Ram @ Kishor Ram Resident of Village - Madhurapur, P.S. - Phenhara, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-09-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Phenhara P.S. Case No. 74 of 2025, dated 17.04.2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 329(4), 126(2), 115(2), 118(1), 118(2), 117(2), 109, 103, 303(2), 352 and 351(2) of the B.N.S., 2023.

3. The prosecution case, in brief, is that on



16.04.2024 in the morning, all the FIR named accused persons including the petitioners, variously armed, came at the house of the informant and assaulted her husband. On instigation of co-accused Shambhu Singh, the co-accused Sanjay Ram assaulted informant's husband with *lathi* and when the informant and her family members came to his rescue, they were also assaulted. Akshay Ram inflicted axe blow on the mother-in-law of the informant and Sanjay Ram, Ajay Ram, Akshay Ram and Ram Lal tried to disrobe the informant. Petitioner No. 5, Pooja Kumari, snatched the *mangalsutra* of the informant. The husband of informant died during the course of treatment.

4. Learned counsel for the petitioners has submitted that petitioners are innocent and they have falsely been implicated in the present case. Petitioner No. 1 is an aged person aged about 75 years and is physically disabled while petitioner nos. 2 to 5 are female members who were not present at the place of occurrence. From bare perusal of FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioners and in so far the allegation of theft made against the petitioner no. 5 is superfluous. It has next been submitted that on the alleged date of occurrence there was a free-fight between the young male members of both the



families, but for ulterior reasons the names of elderly persons and female members of the families have been dragged in this case. It has lastly been submitted that petitioner nos. 1, 4 and 5 claim clean antecedent while petitioner nos. 2 and 3 carry one criminal antecedent in which they are on bail as mentioned in paragraph no. 3 of the bail petition.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against these petitioners, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned trial Court within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with **Phenhara P.S. Case No. 74 of 2025**, subject to the conditions laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the B.N.S.S., as well as on the 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 learned 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 learned trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(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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