

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70307 of 2025**

Arising Out of PS. Case No.-347 Year-2019 Thana- GAYA RAIL P.S. District- Gaya

1. Moni Khatoon @ Moni D/O Rabbani Ali Resident of Mohalla- Kirani Ghat, P.S- Kotwali, Distt.- Gaya.
2. Soni Khatoon @ Soni D/O Rabbani Ali R/O Village- Basuka, P.S- Gajipur, Distt.- Gajipur, Uttar Pradesh at present Mohalla- Kirani Ghat, P.S- Kotwali, Distt.- Gaya.
3. Bindiya Khatoon @ Bindi Khatoon @ Bindi W/O Md. Mustafa R/O Village- Basuka, P.S- Gajipur, Distt.- Gajipur, Uttar Pradesh at present Mohalla- Kirani Ghat, P.S- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aryan Singh, Advocate  
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      14-10-2025                      Heard learned counsel for the petitioners and learned  
A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Gaya Rail P.S. Case No. 347 of 2019 lodged on 07.09.2019, for the offence punishable under Sections 302, 120(B), 201 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners against whom there is an allegation that they all in connivance with each other and under a deep rooted conspiracy have killed the maternal uncle of the informant and thrown his dead body



on the railway track.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from the contents of the FIR, it become crystal clear that there is nothing specific against the petitioners, rather, name of petitioners have been inserted in this case by virtue of a suspicion only with allegation that one month back, a threat was given to the informant. Counsel submits that dead body of the maternal uncle of the informant was recovered on the railway track for which U.D. case has been registered and subsequently, the informant has inserted the names of petitioners in this case on suspicion. Counsel submits that during investigation, the police has submitted final form against present accused persons and submitted charge sheet only against one Akhilesh @ Banti who was granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 27.01.2021 passed in Cr. Misc. No.30108 of 2019.

5. Learned counsel for the petitioners further submits that there are in total five named accused persons in the present case in which one of them has been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 02.07.2025 passed in Cr. Misc. No.10754 of 2025. Counsel also submits



that the petitioners have no criminal antecedent.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that similarly situated person has been granted anticipatory bail by the Co-ordinate Bench of this Court.

7. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Railway Judicial Magistrate, Gaya, in connection with Gaya Rail P.S. Case No. 347 of 2019, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

**(Dr. Anshuman, J)**

Divyansh/-

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