

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88276 of 2024

Arising Out of PS. Case No.-45 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

1. Geeta Kumari w/o Sri Prakash Kumar
 2. Girja Devi w/o Sri Raj Kumar Yadav.
Both R/o Village- Nateshar, P.S-Nimchak Bathani, District- Gaya.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr.Sharda Nand Mishra, learned counsel for
the petitioners and Mr.Ram Sumiran Rai, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Neemchak Bathani P.S.Case No.45 of 2023,
FIR dated 24.02.2023 registered for the offences punishable
under Sections 323,341,504,506,324,307,34 of the Indian Penal
Code.

3. The prosecution case in short is that a case was
registered on the report of informant against the accused on
22.02.2023 in the meantime the accused came to my house for
talk and caught my hand and lash of iron rod and accused wife
and daughter in law and throw into and Stine and the accused
assaulted to my head.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are family members of the co-accused person persons, namely, Raj Kumar and Prakash Kumar and it appears from the FIR itself that although the petitioners are named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault attributed against co-accused person persons, namely, Raj Kumar Yadav.

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 and there is no specific allegation of any assault or overt-act attributed against the petitioners, 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 Judicial Magistrate 1st Class, Gaya in connection with



Neemchak Bathani P.S.Case No.45 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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