

Fulwa Devi vs The State Of Bihar on 12 February, 2025

Author: Rajesh Kumar Verma

Bench: Rajesh Kumar Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3939 of 2025
Arising Out of PS. Case No.-410 Year-2024 Thana- NOORSARAI District

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1. Fulwa Devi W/o Ramesh Chauhan
 2. Pradum Chauhan @ Pradum Kumar S/o Ramesh Chauhan
 3. Umesh Chauhan S/o Late Jitu Chauhan.
- All R/o Village- Balchand Bigha, PS- Noorsarai, District- Nalanda

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025

Heard Mr.D.K.Sinha, learned senior counsel appearing for the petitioners, Mr. Manoj Kumar, learned counsel for the informant and Mr.Umeshanand Pandit, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Noorsarai P.S.Case No.410 of 2024, FIR dated 11.09.2024 registered for the offences punishable under Sections 103(1),3(5) of Bhartiya Nyaya Sanhita Act, 2023 and Section 27 of the Arms Act.

3. As per FIR, allegation against the petitioners including co-accused persons is to commit murder of the informant's father by opening fire in furtherance of common Patna High Court CR. MISC. No.3939 of 2025(2) dt.12-02-2025 object.

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. From a bare perusal of the FIR it appears that although the petitioners are named in the FIR but the allegation of firing is attributed against co-accused person, namely, Ramesh Chauhan and there is no specific

allegation of any assault or overt-act attributed against the petitioners and co-accused person, namely, Ramesh Chauhan is in judicial custody.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners with common intention alongwith co-accused person have entered into the house of the informant with the intention to kill the deceased.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault, overt-act or firing attributed against the petitioners, let the petitioners, above named, in the event of their arrest or Patna High Court CR. MISC. No.3939 of 2025(2) dt.12-02-2025 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 C.J.M., Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No.410 of 2024, 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 Patna High Court CR. MISC. No.3939 of 2025(2) dt.12-02-2025 shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J) Nitesh/-

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