

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67850 of 2019

Arising Out of PS. Case No.-150 Year-2019 Thana- NARPATGANJ District- Araria

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1. Mithun Bahardar @ Mithun Kumar Bahardar
 2. Bahadur Bahardar
 3. Pankaj Bahardar
 4. Ranjeet Bahardar
petitioners no. 1 to 4 are sons of Shyam Bahardar
 5. Sita Ram Bahardar Son of Late Shiv Lal Bahardar
 6. Ashok Bahardar Son of Sita Ram Bahardar
All are residents of Village - Durgapur, Ward No. 05, P.S.- Narpatganj,
District- Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, P.P. In-charge

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 15-09-2020 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioners apprehend their arrest in connection with
Narpatganj P.S. Case No. 150 of 2019 registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

Petitioners are named in the written report of
informant with allegation that they brutally assaulted the
informant's daughter on 13.03.2019 as a result of which she



died.

The contention of learned counsel of the petitioners is that deceased was wife of petitioner no. 1 and as a matter of fact, deceased had eloped with petitioner no. 1 prior to the alleged occurrence and the prosecution party had lodged Narpatganj P.S. Case No. 635 of 2018 under Section 366A/34 of the I.P.C. against the petitioner no. 1 and others. However, in the aforesaid Narpatganj P.S. Case No. 635 of 2018, statement of deceased was recorded under Section 164 of the Cr.P.C. in which she, specifically, stated that she had solemnized her marriage with petitioner no. 1 on her own violation and she wants to go to the house of petitioner no. 1. However, the concerned court sent the victim to remand home whereas petitioner no. 1 was sent to jail. Learned counsel of the petitioners further submits that after investigation of Narpatganj P.S. Case No. 635 of 2018 when deceased was found major, police submitted final form showing mistake of fact in the above stated Narpatganj P.S. Case No. 635 of 2018 but the deceased was handed over to her father. Learned counsel of the petitioners further submits that again deceased came to the house of petitioner no. 1 and started residing with petitioner no. 1 and in due course she became pregnant. He further submits



that when father and family members of the deceased learnt about the pregnancy of the deceased, they became furious and came to the house of petitioner no. 1 and took the deceased and deceased was brutally assaulted by the prosecution party but to save their skin they implicated the petitioners in this false case. Learned counsel of the petitioners further points out that on the alleged date of occurrence, petitioner no. 1 went to police station to give information about the occurrence but he was taken into custody. However, the mother of petitioner no. 1, subsequently, filed Complaint Case No. 650 C of 2019 against the prosecution party.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that there is specific allegation of committing murder of the deceased against the petitioners and, therefore, they do not deserve the privilege of anticipatory bail.

Having heard the rival contentions of both the parties, I went through the case diary. Perusal of case diary goes to show that in course of investigation, family members of the informant supported the prosecution case but Superintendent of Police, Araria directed the investigating officer to investigate the claim and counter claim of the parties. Therefore, the aforesaid



fact goes to show that up till now police could not find the case true against the petitioners and investigation against the petitioners is still going on.

However, taking note of above stated submissions as well as facts and circumstances of the case, in my view, it is a fit case for grant of anticipatory bail to petitioners. Accordingly, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in Narpatganj P.S. Case No. 150 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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