

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22322 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- WARISNAGAR District- Samastipur

1. PUNTI DEVI W/o Sagun Roy Resident of Village - Ramni Basantpur, P.s.- Warisnagar, Distt.- Samastipur.
2. Babita Devi W/o Ram Kalit Roy Resident of Village - Ramni Basantpur, P.s.- Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31216 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- WARISNAGAR District- Samastipur

RAM KALIT ROY S/o Jugat Rai R/o Village Ramni Basantpur, P.S. - Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22322 of 2022)

For the Petitioner/s	:	Mr.Kaushal Kishor, Advocate
	:	Mr.Ajit Anand, Advocate
	:	Mr.Sanjeev Ranjan, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar, APP
For the Informant	:	Mr.Vinay Kumar Mishra, Advocate

(In CRIMINAL MISCELLANEOUS No. 31216 of 2022)

For the Petitioner/s	:	Mr.Kaushal Kishor, Advocate
	:	Mr.Ajit Anand, Advocate
	:	Mr.Sanjeev Ranjan, Advocate
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad, APP
For the Informant	:	Mr.Vinay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-08-2022

CRIMINAL MISCELLANEOUS No.22322 of 2022

Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 364, 302, 201 and 34 of the Indian Penal Code.

The informant alleges that her son Nitish went with Dilkhush Kumar and Lalu Kumar in the night and thereafter became traceless, thus the informant raised suspicion that her son has been kidnapped and she also had apprehension that he may be murdered,

Learned counsel for the petitioners submits that petitioners are women and are persons with clean antecedent, it next submitted that since petitioners are mother and aunt of Ranjana Kumari, they came to be implicated and during the course of investigation it transpired that the deceased was in love with Ranjana Kumari and on account of which, the present occurrence is alleged to have taken place. Learned counsel further submits that there is no eyewitness to the occurrence and in the F.I.R. it is specifically alleged that the deceased had accompanied Dilkhush Kumar and Lalu Kumar and Dilkhush Kumar during the course of investigation had confessed that the family members of Ranjana Kumari have killed the deceased, it is next submitted that even Dilkhush Kumar and Lalu Kumar were not eyewitnesses to the occurrence. Learned counsel for



the petitioners at the cost of repetition submits that merely because the petitioners are related to Ranjana Kumari, they were implicated in the present case.

Learned A.P.P. for the State and learned counsel for the informant oppose the anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that there is no eyewitness to the occurrence and also that even Dilkhush Kumar and Lalu Kumar are not eyewitnesses to the occurrence and the deceased was seen in company of Dilkhush Kumar and Lalu Kumar.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Warisnagar P.S. Case No. 254 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 31216 of 2022

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.



The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 364, 302, 201 and 34 of the Indian Penal Code.

The informant alleges that her son Nitish went with Dilkhush Kumar and Lalu Kumar in the night and thereafter became traceless, thus the informant raised suspicion that her son has been kidnapped and she also had apprehension that he might have been murdered.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is cousin uncle of Ranjana Kumari with whom the deceased was in love and on account of which, the present occurrence is alleged to have taken place. It is further submitted that during the course of investigation it has come that the deceased had accompanied Lalu and Dilkhush and had gone to meet Ranjana Kumari in her house where he was caught and thereafter the present occurrence took place. It is also submitted that as far as this petitioner is concerned, it has come during the course of investigation that Dilkhush disclosed that when the deceased was caught in the house of Ranjana, this petitioner being neighbor and cousin uncle of Ranjana also went to her house and thereafter Dilkhush disclosed that all of a sudden no



hulla/voice was heard. Learned counsel further submits that there is no eyewitness to the occurrence and even presuming what Dilkhush has disclosed before the police is true, then also he only disclosed that on hearing *hulla*, the petitioner being neighbor and cousin uncle went to the house of Ranjana but then Dilkhush has also not seen the occurrence, though in paragraph '16' of the case diary, it has come that it was on his confession that the dead body of the deceased was recovered.

At this stage, learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

In the event, if the petitioner surrenders by 25.08.2022, then the learned Trial Court shall dispose of the case on the same day.

(Satyavrat Verma, J)

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