

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39018 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- MIRGANJ District- Gopalganj

1. VIBHA KUMARI @ PRAMILA KUMAR @ VIBHA PANDEY Daughter of Late- Gyani Pandey Resident of Village - Sahebchak, P.O.- Siswaniya, P.s.- Mirganj, District - Gopalganj.
2. Musmat Hiyabhari Kuar Wife of - Late - Gyani Pandey Resident of Village - Sahebchak, P.O.- Siswaniya, P.s.- Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Mr. Kumar Mritunjay
		Mr. Suraj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 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 328, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are women having clean antecedent, petitioner no. 1 is own sister of the deceased, petitioner no. 2 is mother of the deceased and concealing the relationship, the present FIR came to be instituted by the wife of the deceased who alleges that accused persons threw her husband in a pond in an intoxicating



condition, thereafter he was taken out of the pond but died on the way to the hospital.

Learned counsel for the petitioners submits that the conduct of the informant needs to be investigated as to why she instituted a false case when she is not an eyewitness to the occurrence nor the FIR discloses that as to who informed the informant that these petitioners have thrown the deceased in the pond leading to his death. Learned counsel next submits that informant with a view to coerce the petitioner into submission, so that they part with the property, instituted the present false criminal case.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that the FIR does not disclose the relationship of the petitioners with the deceased and also that informant is not an eyewitness to the occurrence.

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. 2,000/- (Rupees



Two 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 Mirganj P.S. Case No. 274 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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