

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24783 of 2023

Arising Out of PS. Case No.-911 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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1. AWADHESH MISHRA @ AWADHESH KUMAR MISHRA S/O LATE PRABHAKAR MISHRA Resident of Village- Bangali Colony Leather Factory, Ward No.- 32, P.S.- Bettiah (Town), District- West Champaran.
 2. KANCHAN DEVI W/O AWADHESH MISHRA @ AWADHESH KUMAR MISHRA Resident of Village- Bangali Colony Leather Factory, Ward No.- 32, P.S.- Bettiah (Town), District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302 of the Indian Penal Code.
3. The informant alleges that his father left the house disclosing that he is going to the house of petitioner No.1 for showing him a plot of land, further, at 10:52 am, when the informant made a call on the mobile of his father, the same was picked by an unknown lady who disclosed that his father sustained accidental injury and when he reached the place of



occurrence, he saw the dead body of his father lying near the stairs.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner No. 2 is a women and is aged about 66 years and petitioner No. 1 is aged about 68 years.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that informant is not an eye-witness to the occurrence and the allegation hinges around suspicion, it is further submitted that when informant called on the mobile of his father at 10:52 am, the same was picked by the petitioner No. 2 who was alone in the house at that point of time as petitioner No. 1 had gone out, it is next submitted that the deceased had come to the house of the petitioner for taking them for showing a piece of land but since petitioner No. 1 was not present at the house, as such, the informant was waiting and he fell from the stairs while he was climbing the same leading to injury and since the petitioner No. 2 was alone in the house, as such, she could not have taken him to the hospital being herself not in a good health condition. It is next submitted that informant is aware of the entire case that how his father died but



in order to extort money has falsely implicated the petitioners, it is further submitted that the petitioners are senior citizen aged about 68 and 66 years and are persons with clean antecedent and all of a sudden based on suspicion, they have been made criminals.

6. At this stage, learned counsel for the petitioners, at the cost of repetition, submits that it was the petitioner No. 2 who had picked the phone of the deceased and disclosed to the informant that his father suffered an accidental injury, it is thus submitted that if the petitioners would have been involved in the occurrence then definitely she would not have picked up the phone and talked to the informant.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah



Town P.S. Case No. 911 of 2022 subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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