

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39541 of 2023

Arising Out of PS. Case No.-1098 Year-2022 Thana- KHAJANCHI HAT District- Purnia

1. NIRMALA DEVI wife of Bidhan Pandit Resident of Village- Oli Tola Mirza Hata Ward no-4, Ps- Madhubani TOP (K.Hat) Dist- Purnea, Bihar
2. Mithun Pandit son of Bidhan Pandit Resident of Village- Oli Tola Mirza Hata Ward no-4, Ps- Madhubani TOP (K.Hat) Dist- Purnea, Bihar
3. Vandana Devi @ Bandana Devi @ Bandana Kumari wife of Mithun Pandit Resident of Village- Oli Tola Mirza Hata Ward no-4, Ps- Madhubani TOP (K.Hat) Dist- Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner nos. 1 and 3 are women.

4. The informant alleges that her mother had gone to collect her dues with regard to milk to the house of Vikash Pandit on 17.10.2022 at 03:00 p.m. but she did not return. On



the next day, the dead body of the mother of the informant was recovered, accordingly, the informant went to the house of Vikash Pandit to inquire but he was not present. Further, the informant saw bloodstain inside a four wheeler vehicle which was parked in the garage of Vikash Pandit. The family members of Vikash Pandit who was present inside the house fled away when the crowd gathered. It is next alleged that few days ago Vikash Pandit had told her cousin that he will give a gift to her mother which will be remembered after the death of the mother of the informant.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case based on suspicion. It is further submitted that informant is not an eyewitness to the occurrence. It is next submitted that it is alleged that mother of the informant had gone to collect dues with regard to the milk to the house of Vikash Pandit but then she did not return. It is also submitted that no endeavour was made to locate her or search her when she did not return home on 17.10.2022. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the petitioners were at home but had to flee away when crowd gathered which amply demonstrates that had the petitioners



been involved in the occurrence then they like Vikash Pandit might have also fled away. It is next submitted that petitioner nos. 1 and 3 are women and petitioner no. 2 is brother of Vikash Pandit. It is also submitted that even the thrust of the allegation is against Vikash Pandit. It is further submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the investigating officer of the case for eliciting the truth and proving their innocence.

6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but learned counsel for the informant is not in a position to rebut the submission of the learned counsel for the petitioners that no efforts were made to search the deceased on 17.10.2022 and the thrust of the allegation is against Vikash Pandit.

7. 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.10,000/- (Rupees Ten 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 K. Hat Madhubani P.S. Case No. 1098 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation or are not presenting themselves when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned police station through the learned trial court.

10. Learned counsel for the petitioners submits that the defects as pointed out by the office shall be removed within a period of two weeks from today.

(Satyavrat Verma, J)

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