

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40080 of 2023

Arising Out of PS. Case No.-87 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. KAUSHALIYA DEVI @ KAUSHALYA DEVI Wife of Ramprit Ram R/o village - Kharahua, P.S.- Mahindwara, Dist.- Sitamarhi.
2. Kishori Ram Son of Late Lachhu Ram R/o village - Kharahua, P.S.- Mahindwara, Dist.- Sitamarhi.
3. Ramprit Ram Son of Late Lachhu Ram R/o village - Kharahua, P.S.- Mahindwara, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.
For the Opposite Party/s : Mr.Braj Kishore Pd., APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 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 Sections 363, 365/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that there was love affairs between the informant's elder brother and Kajal Kumari as a result of which they got married with mutual consent. The whole family of the informant was ready to accept Kajal Kumari, but the father of Kajal Kumari was not happy with their marriage.



3(1). It is further alleged on 04.07.2020 at 11:00 P.M., the father of Kajal Kumari called the informant's elder brother through mobile call and when he went there, having conspiracy, all the accused persons along with these petitioners committed murder of the informant's brother.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that the anticipatory bail application on behalf of similarly situated co-accused has been dismissed by this Court. He further submits that there are serious allegations against these petitioners, hence, they do not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as petitioner no.1 is a lady and petitioner no.2 is aged about 74 years, the above named petitioner nos. 1 & 2, be released on bail, in the event of their arrest or surrender before



the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Mahindwara P.S. Case No. 87 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, considering the fact that the victim is still traceless, I am not inclined to enlarge the petitioner no.3 on bail. The prayer for bail of the petitioner no.3 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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