

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42501 of 2023**

Arising Out of PS. Case No.-252 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

1. Shivnarayan Rai Son of Late Shukhal Rai Resident of Village- Chandpur PS- Baikunthpur Dist- Gopalganj, Bihar
2. Dinesh Rai Son of Shivnarayan Rai Resident of Village- Chandpur PS- Baikunthpur Dist- Gopalganj
3. Kunti Devi @ Kunti Kumar wife of Late Birendra Rai Resident of Village- Chandpur PS- Baikunthpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Upendra Yadav, Advocate  
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      07-08-2023                      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 Sections 302 and 201/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. The informant alleges that on 23.08.2022, at about 03:30 p.m., he got information by the villagers on mobile that his daughter has been strangled to death and her dead body is being taken for cremation, accordingly, he along with his family members reached the place of occurrence where he was



informed by his grandson Balbir Kumar Rai that six named accused including the petitioners have murdered the deceased by strangulating her. It is further alleged that the accused persons fled away throwing the dead body of his daughter in a sugarcane field.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that petitioner no. 1 is cousin father-in-law of the deceased, petitioner no. 2 is cousin brother-in-law of the deceased and petitioner no. 3 is cousin sister-in-law of the deceased. It is next submitted that the daughter of the informant was married to Upendra Rai in the year 2009 who is son of Ramnarayan Rai and petitioner no. 1 is own brother of Ramnarayan Rai and they are living separately since long. Petitioner No. 1 is about 75 years of age. It is also submitted that the husband of the deceased is not an accused in the FIR rather the father-in-law of the deceased along with family members have been implicated in the present case. It is thus submitted that petitioner no. 1 and Ramnarayan Rai are separate in mess and property since long and the informant is not an eye witness to the occurrence.

6. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners and submits that it was the maternal grandson of the informant who disclosed the name of the petitioners.

7. Learned counsel for the petitioners submits that it absolutely does not stand to reason that as to why the petitioners would have killed the daughter of the informant when petitioner no. 1 is brother of Ramnarayan Rai and is living separately and does not have any concern with the day to day affairs of his brother. 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.

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 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 Baikunthpur P.S. Case No. 252 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



9. 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.

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

11. It is made clear that if the charge-sheet is submitted against the petitioners connecting them with the offence then the present anticipatory bail order shall come to an end.

12. However, the same will not debar the petitioners of availing their remedies available in law.

**(Satyavrat Verma, J)**

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