

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58031 of 2023

Arising Out of PS. Case No.-285 Year-2023 Thana- GAYA KOTWALI District- Gaya

1. Pawan Agarwal, Son of Nakul Prasad Agarwal, Resident of Mohalla-K.P. Lane, Near Kabir Academy, Dholakiya Gali, P.S. Kotwali, Dist- Gaya.
2. Rajesh Agarwal, Son of Nakul Prasad, Resident of Mohalla-K.P. Lane, Near-Kabir Academy, Dholakiya Gali, P. S. Kotwali, Dist- Gaya.
3. Mamta Devi, Wife of Rajesh Agarwal, Resident of Mohalla-K.P. Lane, Near-Kabir Academy, Dholakiya Gali, P. S. Kotwali, Dist- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rabindra Nath Tiwari, Advocate

For the Opposite Party : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 12-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Kotwali P.S. Case No. 285 of 2023 dated 18.04.2023, registered for the offences punishable under Sections 306 and 34 of the I.P.C.

4. As per the prosecution case, the minor daughter of the informant fell in love with Himanshu Agarwal and for this,



his father, mother and uncle used to torture her and for this, the informant's daughter was hanged to death.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners have not tortured the informant's daughter. It is further submitted that the petitioner no. 1 is the uncle, the petitioner no. 2 is the father and the petitioner no. 3 is the mother of the co-accused Himanshu Agarwal. It is further submitted that no rope was found at the place of occurrence and it is also not clear that who opened the door of the said room in which the deceased committed suicide herself. It is further submitted that no independent witness has been examined. It is further submitted that the occurrence took place on 04.04.2023 as to when the F.I.R. was registered on 18.04.2023 i.e., after a lapse of fifteen days for which no explanation has been given by the prosecution. The petitioners are relatives of the co-accused Himanshu Agarwal. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances



of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Kotwali P.S. Case No. 285 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

