

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36379 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- MUFFASIL District- West Champaran

1. Bhairo Tiwary @ Bhairav Rai S/O Late Munni Tiwary @ Late Munni Rai R/O Village- Lalgah, Ward No. 04, P.S- Bettiah Muffasil, Distt.- West Champaran.
2. Punam Devi @ Puna Devi W/O Sri Bhairo Tiwary @ Bhairav Rai R/O Village- Lalgah, Ward No. 04, P.S- Bettiah Muffasil, Distt.- West Champaran.
3. Raj Kumar S/O Sri Bhairo Tiwary @ Bhairav Rai R/O Village- Lalgah, Ward No. 04, P.S- Bettiah Muffasil, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Adv
Mr. Hemant Ray, Adv
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-08-2024 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, 201
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
Petitioner No. 1 has antecedent of two cases and petitioner Nos.
2 and 3 are persons with clean antecedents and Petitioner No. 2
is a woman and the informant alleges that he works as a
labourer in Siwan and used to visit his house in 2-3 months,



further on 2-2-2024, in his absence, petitioners along with other named accused persons came to his house and entered into an altercation with his wife and thereafter strangled her to death and with a view to conceal the evidence, disposed/burnt her body near a canal.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye-witness to the occurrence rather the FIR came to be instituted by the informant alleging that he was informed by his villager, but then the name of the villager is not mentioned in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that the entire allegation hinges around suspicion. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

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

6. 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 Muffasil P.S. Case No. 64 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this court, are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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