

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44765 of 2024

Arising Out of PS. Case No.-350 Year-2022 Thana- KOTWA District- East Champaran

1. Ajay Yadav @ Ajay Rai S/o Badri Rai @ Badri Prasad Yadav R/o Village Talwa Pokhar, P.S. Kotwa, District East Champaran
2. Badri Rai @ Badri Prasad Yadav S/o Late Gulzar Rai R/o Village Talwa Pokhar, P.S. Kotwa, District East Champaran
3. Aitwariya Devi W/o Badri Rai @ Badri Prasad Yadav R/o Village Talwa Pokhar, P.S. Kotwa, District East Champaran
4. Sangita Kuwar W/o Late Shiv Bachan Rai R/o Village Talwa Pokhar, P.S. Kotwa, District East Champaran
5. Ravita Devi W/o Ram Pravesh Rai R/o Village Talwa Pokhar, P.S. Kotwa, District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-08-2024 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 341, 323 and 302/34 of the Indian Penal Code.

3. Learned A.P.P. submits that the Investigating Officer of the case in compliance of the order dated 20.08.2024 is present in the Court along with the case diary and postmortem report of the deceased.

4. Learned counsel for the petitioners submits that



petitioners are persons with clean antecedent and have been falsely implicated in the present case by the informant.

5. The informant alleges that when her husband was sitting in his shop and she along with her son were talking to him when all the accused persons came variously armed and started assaulting her husband. Further, Badri Ram strangled the husband of the informant to death and Ajay Rai pointed pistol and thereafter all the accused fled away.

6. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not disclose any motive for the occurrence which casts an aspersion on the case of the prosecution. It is further submitted that though it is alleged that Badri Ram strangled the husband of the informant to death but then from perusal of the postmortem report, it would manifest that the same clearly records that no external injury was found which further casts an aspersion on the case of the prosecution.

7. The investigating officer of the case, who is present in the Court, also concurs with the said submission of the learned counsel appearing on behalf of the petitioners based on postmortem report that no external injury on the body of the



deceased was found.

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

9. Considering the submissions made by the learned counsel for the petitioners, let 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 Kotwa P.S. Case No. 350 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. The personal appearance of the investigating officer of the case is dispensed with.

(Satyavrat Verma, J)

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