

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55025 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- RANIYATALAB District- Patna

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Ankit Kumar Son of Suryakant singh @ Surya Kumar @ Gabudan Singh
R/V- VILLAGE- BARA, P.S.- RANITALAB, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 56740 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- RANIYATALAB District- Patna

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Rani Devi W/O Late Omkar Kumar R/O Vill- Patut, P.S- Rani Talab, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 55025 of 2024)
For the Petitioner/s : Mr. Amresh Kumar, Adv.
For the Opposite Party/s : Mr. Arvind Kumar Pandey (App 84), APP
For the Informant/s : Mr. Aditya Nath Pandey, Adv.
Mr. Yeshoneel Ratnam, Adv.
Mr. Neha Kumari, Adv.
(In CRIMINAL MISCELLANEOUS No. 56740 of 2024)
For the Petitioner/s : Mr. Saroj Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP
For the Informant/s : Mr. Aditya Nath Pandey, Adv.
Mr. Yeshoneel Ratnam, Adv.
Mr. Neha Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-10-2024 Heard Mr. N.K. Agarwal, learned Senior counsel for

the petitioner in Cr. Misc. No. 56740 of 2024 (Rani Devi) and

Mr. Amresh Kumar representing the petitioner in Cr. Misc. No.



55025 of 2024 (Ankit Kumar) and also Mr. Aditya Nath Pandey representing the informant in both the cases.

2. The petitioners are in custody in connection with Ranitalab P.S. Case No. 57 of 2024 for the offence punishable under Sections 302/34 of the Indian Penal Code read with section 27 of the Arms Act lodged on 20.02.2024 by the informant, Ravindra Singh.

3. As per the prosecution story, the informant alleged that while he had gone to Raghopur to attend a housewarming ceremony, his son Omkar Kumar (deceased) had gone for milking. Around the evening hours, the daughter-in-law Rani Devi (petitioner in Cr. Misc. No. 56740 of 2024) informed that neither the deceased has returned nor is attending the phone calls. A search was made when he was found dead with bullet injuries. Besides cartridges were present near the dead body. Accordingly, FIR against unknown.

4. Subsequently, investigation took place and it came to notice that there used to be quarrel between the couple and it is the wife who ensured through her nephew, Ankit Kumar (petitioner in Cr. Misc. No. 55025 of 2024) as also Shubham Kumar @Ankit Kumar which led to the killing. It is in this way that the petitioners are before this Court.



5. Learned Senior Counsel submits that so far as Rani Devi is concerned, the marriage took place in the year 2008, they are blessed with three children, at no point of time there was any quarrel and in that background, the FIR was lodged against unknown and even no suspicion was raised by the informant regarding involvement of his daughter-in-law.

6. It is his further submission that subsequently, the police picked up the petitioner Rani Devi and made her to confess to the crime which led to implication of the petitioner Ankit Kumar and also minor accused, Shubham Kumar @Ankit Kumar.

7. He further submits that save and except confessional statement, there is nothing to implicate the petitioner-wife in this case. The last submission is that she has already suffered in custody since 04.04.2024 (para-14 of the petition) and if granted bail shall diligently appear in trial.

8. So far as the petitioner, Ankit Kumar is concerned, it is the submission of Mr. Amresh Kumar, learned counsel that his name came in the confessional statement of Rani Devi and there is nothing to implicate him. Further, even the mobile phone which founds incorporated in the case diary belongs to Shubham Kumar @Ankit Kumar. There has been no transaction



of money or any recovery/seizure, it warranting his implication.

9. Mr. Aditya Nath Pandey representing the informant and he has firstly took this Court to paragraph no.3 which incorporates the criminal antecedent of petitioner Ankit Kumar to show that he has three criminal antecedents against him, one of which includes firing on his own father. Further, he has taken this Court to the different paragraphs of the case diary to show that he was business partner of the deceased and as such the dispute was/were there. The last submission is that the Scorpio vehicle of Ankit Kumar was taken by the deceased which was not even being returned or any payment made, thus he had every cause of action to eliminate the deceased.

10. Having gone through the facts of the case and also submissions put forward the parties, so far as the petitioner Rani Devi is concerned, save and except her confessional statement before the police, nothing is on record. The informant has also not raised any suspicion/any quarrel between the couple warranting her dispute with the deceased. The charge-sheet has already been submitted, she do not have criminal antecedent, is in custody since 04.04.2024 and is a lady, it has already been undertaken that she will diligently appearing in the trial, this Court is inclined to extend her the privilege of bail with



conditions.

11. So far as petitioner, Ankit Kumar is concerned, considering the allegation that has come against him and also the fact that he has motive as recorded earlier, this Court is not inclined to extend him privilege of bail which is accordingly rejected.

12. Let the petitioner Rani Devi (in Cr. Misc. No. 56740 of 2024) be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Ranitalab P.S. Case No. 57 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of bail bonds.

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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