

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79542 of 2023**

Arising Out of PS. Case No.-229 Year-2023 Thana- RAMGARHWA District- East  
Champaran

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1. MANOJ GUPTA Son of Raghunath Prasad R/o vill - Bela, P.S. - Ramgardiha, Distt. - East Champaran
  2. Harendra Prasad Son of Jagdish Prasad R/o vill - Bela, P.S. - Ramgardiha, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                         |
|--------------------------|---|-----------------------------------------|
| For the Petitioner/s     | : | Mr. Binod Kumar Mishra<br>Kumari Anjali |
| For the Opposite Party/s | : | Mr. Harendra Prasad                     |
| For the O.P. No. 2       | : | Mr. Anupam Raj                          |

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

3      22-02-2024                      1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the O.P. No. 2.

2. The petitioners apprehend their arrest in connection with Ramgarhwa P.S. Case No. 229 of 2023 Dated 07.06.2023 registered for the offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and they have been falsely implicated in the present case based on suspicion when informant is not an eye witness to the occurrence. It is next



submitted that the informant had married Ayushi Gupta on 12.04.2023 but the marriage was opposed by her family members. It is next submitted that as such the informant along with Ayushi started staying in Delhi when Vikash, the brother of Ayushi, came to Delhi and requested the informant to send Ayushi back to the village as his marriage was fixed. It is further submitted that the informant accordingly allowed Ayushi to accompany her brother Vikash to the village, it is next submitted that after some time, Ayushi called the informant and informed him that she is being tortured by her family members including Vikash. It is next submitted that accordingly the informant came to the village of his wife where he came to know that she has been killed and the dead body was missing. It is further submitted that, in sum and substance, the allegation against the petitioners is of committing honour killing. It is further submitted that petitioners are not related to Vikash rather are his friends and acquaintance/co-villagers. It is further submitted that during the course of investigation, Vikash was arrested and in his confessional statement the name of the petitioners also transpired that they were instrumental in helping Vikash in disposing of the dead body of the deceased. It is, thus, submitted that at best the allegation which gets attracted against the



petitioners is under Section 201 of the IPC which is bailable in nature.

4. The learned counsel appearing on behalf of the O.P. No. 2 submits that no doubt the petitioners were named in the FIR based on suspicion but then in the confessional statement of Vikash their names transpired. It is also submitted that the investigation is still going on, as such, at this stage it cannot be presumed whether the petitioners were involved in the occurrence or merely helped in causing the disappearance of the dead body. It is also submitted that till date the dead body has not been recovered nor it has come in the investigation that the dead body stands disposed of either by cremation or by some other mode.

5. Learned counsel for the petitioners, at this stage submits that petitioners will not abscond rather will co-operate in the investigation.

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. 25,000/- (Rupees Twenty Five 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 Ramgarhwa P.S. Case No. 229 of 2023 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 that petitioners despite giving assurance to this Court are not co-operating in the investigation in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners and if after investigation, police submits charge sheet connecting the petitioners with the offence, in that event the present anticipatory bail order shall lose its effect.

**8. Accordingly, the present anticipatory bail application stands allowed.**

**(Satyavrat Verma, J)**

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