

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71590 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- GARKHA District- Saran

Dangal Rai Son of Late Bajrangi Rai Resident of village - Khori Pakar, P.S.-
Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55260 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- GARKHA District- Saran

1. BIJENDER RAI S/O LATE JAN NARAYAN RAI R/O VILLAGE-
BALIGAON, BABHAGAWAN, P.S- PARSA, DISTT.- SARAN AT
CHAPRA, TEMPORARY RESIDENT OF VILLAGE- KHORI PAKAR
BHUIGAON, P.S- GARKHA, DISTT.- SARAN AT CHAPRA.
2. PANPATIYA DEVI @ PATIYA W/O BIJENDER RAI R/O VILLAGE-
BALIGAON, BABHAGAWAN, P.S- PARSA, DISTT.- SARAN AT
CHAPRA, TEMPORARY RESIDENT OF VILLAGE- KHORI PAKAR
BHUIGAON, P.S- GARKHA, DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71590 of 2024)

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 55260 of 2024)

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-10-2024 Heard the parties.

2. The petitioner is in custody in connection with
Garkha P.S. Case No. 171 of 2024 for the offence punishable
under sections 302 and 120(B) of the Indian Penal Code lodged
on 02.04.2024 by the informant, Motijhari Devi.



3. As per the prosecution story, the informant alleged that the accused persons came to her place and took away her son Abhishek Kumar who failed to return in the night. Next morning, she went to enquire at the house of Vijendra Rai but did not get any information. Later, came to know about the presence of dead body near the boundary of Imperial Central School and when went there, found her son to be dead with injuries all over his body. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of the suspicion that the daughter of Vijendra Rai had relationship with the deceased, they have been implicated. Further, one of the petitioner is a lady and in a zeal to implicate everyone, she has also been implicated.

5. In this case, the Coordinate Bench had called for the case diary and learned APP Mr. Jitendra Kumar Singh has taken this Court to the different paragraphs of the independent witnesses to show that there was a relationship between the son of the informant and the daughter of the Vijendra Rai and this was not accepted by the family of Vijendra Rai. Dungal Rai happens to be the local villager who is having relationship with the elder daughter of Vijendra Rai and as such both were in good relationship and all of them have executed this murder.

6. It is unfortunate that even in the 21st Century when



two adults consent, the same is not accepted by the family members which leads to killing ultimately. Allegation herein points towards the same angle.

7. The trial has already commenced and it would be appropriate that the same is taken to a logical conclusion.

8. As such, so far as the petitioner Dangal Rai (in Cr. Misc. No. 71590 of 2024) and petitioner no. 1, Bijender Rai (in Cr. Misc. No. 55260 of 2024) are concerned, their bail application stands rejected.

9. Regarding the petitioner no. 2, Panpatiya Devi @ Patiya in Cr. Misc. No. 55260 of 2024 is concerned, she is an aged person, lady, is wife of Bijender Rai, has remained in custody since 30.04.2024 (paragraph no. 11 of the petition) and as per the learned counsel for the petitioner, will be diligently appearing in trial, this Court is inclined to extend her privilege of bail with conditions.

10. Let the petitioner no. 2, Panpatiya Devi @ Patiya in Cr. Misc. No. 55260 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 ACJM-IV, Saran at Chapra, in connection with Garkha P.S. Case No. 171 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner no. 2, Panpatiya Devi @ Patiya in Cr. Misc. No. 55260 of 2024 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Panpatiya Devi @ Patiya in Cr. Misc. No. 55260 of 2024 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner no. 2, Panpatiya Devi @ Patiya in Cr. Misc. No. 55260 of 2024 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 the bail bonds;

(iv) the petitioner no. 2, Panpatiya Devi @ Patiya in Cr. Misc. No. 55260 of 2024 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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

