

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75861 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- DHANGAI District- Gaya

-
1. Mamta Devi W/o- Raju Prasad Village- Sokhiya PS-Dhangai Dist- Gaya
 2. Raju Prasad S/o- Prasad Maho Village- Sokhiya PS-Dhangai Dist- Gaya
 3. Kamla Devi W/o- Prasad Mahto Village- Sokhiya PS-Dhangai Dist- Gaya
 4. Nitish Kumar S/o- Basudev Dangi @ Baldev Dangi Village- Sokhiya PS-Dhangai Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Dhangai P. S. Case No.07 of 2024 under Sections 304(B) and 201 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 12 named accused persons including the petitioners against whom there is allegation that all accused persons have killed the informant's daughter and burnt her dead body. It has also been alleged that the son-in-law of the informant used to do illegal business of selling opium, *charus* etc., which was used to oppose by his daughter.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He



submits that it is true that the daughter of the informant died at Hazaribag by snake biting. The informant was being informed by her husband about the said occurrence and in his presence, her body was cremated at Hazaribag.

5. Learned Counsel further submits that the informant has lodged F.I.R. at the police station where the place of occurrence took place at 12:15 noon. He lodged F.I.R. at Hazaribag Muffasil bearing P.S. Case No.22 of 2024 in which he has made two persons as accused whereas he has also lodged another F.I.R. in different police against 12 named accused persons including the present petitioners with different facts.

6. Counsel further submits that it is a unique case where the informant has lodged two different F.I.Rs. at two different police station. One is at Hazaribag and another is at Gaya. In one case, two persons were made accused and in another case, he has made 12 persons as accused including two persons whose name has been inserted in Hazaribag police station.

7. Counsel further submits that the petitioner Nos.1, 2 and 3 were not made accused in the case filed at Hazaribag rather petitioner no.4 has been made accused in Hazaribag case.

8. Learned Counsel also submits that petitioners' antecedent are clean.

9. Learned APP for the State opposes the prayer for



bail and submits that from annexure-1 and 2 of the bail petition, it transpires that one case at Hazaribag and another at Gaya have been lodged. He further submits that two different criminal cases for the same occurrence has been lodged in different police station.

10. In the present facts and circumstances, let the above named petitioner Nos.1 (Mamta Devi), 2 (Raju Prasad) and 3 (Kamla Devi) be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Dhangai P. S. Case No.07 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

11. So far as petitioner No.4 (Nitish Kumar) is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.4, therefore the bail application of the petitioner No.4 is hereby rejected.

(Dr. Anshuman, J.)

Prakashmani/-

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

