

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.844 of 2024

Arising Out of PS. Case No.-710 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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1. Mamta @ Khushboo Devi, D/O Late Naresh Tiwari R/O Village-
Madhukunj Nagar, Ward No. 30, P.S.- Bettiah Town, Dist.- West Champaran
 2. Ranjesh Kumar, Son Of Late Naresh Tiwari R/O Village- Madhukunj Nagar,
Ward No. 30, P.S.- Bettiah Town, Dist.- West Champaran
 3. Himanshu Kumar, Son Of Late Naresh Tiwari R/O Village- Madhukunj
Nagar, Ward No. 30, P.S.- Bettiah Town, Dist.- West Champaran
 4. Bindu Devi, Wife Of Late Naresh Tiwari R/O Village- Madhukunj Nagar,
Ward No. 30, P.S.- Bettiah Town, Dist.- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-04-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.
2. The learned counsel for the petitioners is permitted
to add the alias name of Ranjesh Kumar (petitioner no.2) in the
cause title.
3. The other defects, as pointed out by the office,
stand removed.
4. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 302, 120B, 367, 323, 504 and 506 of the



Indian Penal Code.

5. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant, who is mother of the deceased. It is next submitted that son of the informant was married to the petitioner no.1 and petitioner nos.2, 3 and 4 are brothers and mother of petitioner no.1. It is further submitted that after marriage, dispute arose in between the petitioner no.1 and the deceased on account of which the petitioner no.1 instituted Bettiah Town P. S. Case No.780 of 2017 under Sections 448, 323, 498A and 34 of the I.P.C. It is also submitted that she had also filed Divorce Case No.128 of 2021 against her husband Deepak Thakur (now deceased) and the same was allowed by the learned Family Court, Bettiah, West Champaran by order dated 09.01.2023. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same also does not inspire confidence for the reason that the informant alleges that her son Deepak Kumar was married to the petitioner no.1 on 17.02.2016. Thereafter, it is alleged that on 25.05.2016, the accused persons came to her house and took away the deceased with themselves and thereafter, her son never came back and on 31.01.2021, the



accused persons came to the house of the informant and demanded extortion of Rs.5 Lacs. Thus, based on suspicion alleges that her son might have been killed.

6. The learned counsel for the petitioners submits that what is not in dispute rather stands admitted is that petitioner no.1 had instituted Bettiah Town P. S. Case No.780 of 2017. Thereafter, had filed Divorce Case No.128 of 2021, which was allowed by an order dated 09.01.2023, as such, the deceased was not staying with the petitioner no.1 at her parental home. It is further submitted that it absolutely does not stand to reason that on what basis the informant alleges that her son might have been killed by the petitioners when he was not staying with them. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.

7. Learned A.P.P. opposes the anticipatory bail application.

8. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran/ Successor Court in connection with Bettiah Town P. S. Case No.710 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

11. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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