

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7690 of 2025

Arising Out of PS. Case No.-412 Year-2024 Thana- KANTI District- Muzaffarpur

1.

Kabita Kumari @ Kavita Kumari @ Kavita Devi S/O Om Prakash Kumar @ Om Prakash Sahani Resident of village- Fatehpur, Dhamauli Ramnath, P.S.- Kanti, District- Muzaffarpur
2.

Om Prakash Kumar @ Om Prakash Sahani S/O Horil Sahani Resident of village- Fatehpur, Dhamauli Ramnath, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3

13-05-2025

1.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Kanti Police Station Case No. 412 of 2024, dated 05.08.2024, disclosing offences punishable under Sections 103/61(2)/238/3(5) of the Bhartiya Nyaya Sanhita, 2023.

3.

The prosecution case, as per the First Information Report, is that there was love affair between the petitioner no. 1 and the brother of the informant for the last two years. On 02.08.2024, at about 6 PM, the petitioner no. 1 called the brother of the informant and the brother of the informant



went towards Fatehpur and when he did not return home in the night, the informant called him on his phone, which was found switched off. During the search, the informant came to know about a dead body near the Phalwari Ghat and when he reached there, he found the dead body of his brother. The neck and waist of the dead body of the brother of the informant was tied with rope and blood was oozing out of his mouth and nose.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to enmity with the deceased and the informant. There is unexplained delay of three days in lodging the First Information Report. The petitioner no. 2 is living in Assam and only the female members of the house live in the village. He further submits that the petitioner no. 1 is a married lady having children and she was not in affair with the deceased; rather she knew the deceased as the petitioner no. 2 and the father of the deceased work in Assam and the deceased used to come to the house of the petitioners.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that



during investigation, from the C.D.R. of the mobile of the deceased, it transpires that the deceased and the petitioner no. 1 often talks with each other for a long duration and on the alleged date of occurrence also, the petitioner no. 1 has talked with the deceased on seven times and thereafter the mobile of the deceased was switched off.

6. I have heard learned Counsel for the parties concerned and have perused the material available on record, including the impugned order.
7. From perusal of the case diary and the impugned order, it transpires that the petitioner no. 1 has talked for seven times with the deceased on the alleged date of occurrence for long duration and thereafter the mobile of the deceased got switched off and the SIM of the petitioner no. 1 is in the name of the deceased.
8. Considering the above, I do not find any reason to differ with the findings arrived at by the learned Additional Sessions Judge-V, Muzaffarpur, inasmuch as the case is under investigation, wherein the custodial interrogation of the petitioner may be necessary based upon the material collected by the police during course of investigation. As such, I am not inclined to grant anticipatory bail to the



petitioners.

9. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

