

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35207 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- RAMGARHWA District- East
Champaran

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Amar Kumar Kushwaha @ Abhinav Kushwaha @ Abhinav Kumar Wife of
Late Baban Kushwaha Resident of village - Bhaluwahiya, Police Station -
Ramgarhwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. Petitioner is apprehending arrest in connection
with Ramgarhwa P.S. Case No. 317 of 2024 registered for the
offences punishable under Sections 103(1), 238 and 3(5) of
B.N.S.

3. As per prosecution case, petitioner and others
are said to have committed the murder of informant's daughter
under conspiracy.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the first information report. Petitioner being a husband of the
deceased has falsely been implicated in the case and the



marriage took place with deceased about 16 years back and from wedlock three children were born namely Satyam Kumar aged about 15 years, Ardhya Kumari aged about 13 years and Rachna Kumari aged about 10 years and they are living with the petitioner. It is further submitted that there is no eye witness to the alleged occurrence. Petitioner was not present in the house at the time of occurrence. Apart from that, petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that from the perusal of the impugned order it is evident that petitioner along with other co-accused subjected deceased to cruelty and torture and thereafter they committed the murder and in para 4 and 7 of the case diary, the witnesses examined during the course of examination have corroborated the story of prosecution. As per para-74 of the case diary, investigation of the case is still going on. Petitioner being a husband of the deceased cannot escape from the liability as alleged in the FIR.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner and accordingly, the same stands rejected.



7. However, in case petitioner surrenders before the concerned court within six weeks from today and seeks regular bail, the concerned court may pass appropriate order on the day of hearing without being prejudiced by order of this Court.

8. The application stands disposed of.

(Alok Kumar Pandey, J)

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