

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40084 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- THAWE District- Gopalganj

Munnilal Singh S/o Late Gharbharan Singh Resident of Village- Jagdishpur
P.S Thawe, Dist- Gopalganj

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Shri Bashant Kumar Choudhry, Sr. Advocate
For the Opposite Party/s :	Shri Rabindra Kumar, A.P.P.
For the Informant :	Shri Kaushal Kishor, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-09-2025 1. Heard Shri Bashant Kumar Choudhry, learned Senior Counsel for the petitioner, Shri Rabindra Kumar, learned A.P.P. for the State and Shri Kaushal Kishor, learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 61(2), 103 and 238 of the BNS.

3. Learned Senior Counsel for the petitioner submits that name of the father of the deceased's children is Manu Singh and he is son of Parsuram Singh. It is further submitted that family of the petitioner and the informant are on litigating terms. It is next submitted that on 22.10.2024, two accused persons came and fired at Pawan Kumar Singh causing injury for which Thawa P.S. Case No. 289 of 2024 was instituted by



him. It is also submitted that when Pawan Kumar Singh got injured by firearm the villagers gathered and apprehended one of the accused who was assaulted and later he succumbed to his injuries and the other accused fled away from the place of occurrence.

4. Learned Senior Counsel for the petitioner submits that during the course of investigation of Thawa P.S. Case No. 289 of 2024, it transpired that Parsuram Singh, the grandfather of the deceased of the instant case had hatched a conspiracy for eliminating Pawan Kumar Singh. It is further submitted that in this background the facts of the instant case be appreciated. It is next submitted that informant of the instant case alleges that on 10.02.2025, her two minor daughters, aged about five years, were returning from the school at 03:00 p.m., when seven named accused persons including the petitioner came and forcefully put the soil in the mouth of the children. The informant, accordingly, raised an alarm when the villagers gathered but then the accused persons fled away. Further, the dead body of both the victims, who were twins sisters, was recovered from a mustard field.

5. Learned Senior Counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it



would manifest that entire family members of the petitioner have been implicated in the instant case including the women folk. It is further submitted that the FIR does not give an impression that informant was an eyewitness to the occurrence. It is next submitted that had the informant seen the occurrence and on her alarm villagers would have gathered in that event the informant would have given the name of the villagers who discovered the body from the mustard field. It is also submitted that the date of occurrence is 10.02.2025, the inquest was done on 10.02.2025, thereafter on 11.02.2025, at 01:40 a.m., postmortem was conducted and thereafter the instant FIR came to be instituted at 01:00 p.m. Learned Senior Counsel, thus, submits that the FIR was instituted only when the informant came to know about the cause of the death of the minor victims. It is further submitted that on 10.02.2025, when the dead bodies were recovered at that time the Superintendent of Police of the district had also reached the place of occurrence but then no FIR or complain was made to him and it was only after the postmortem was done that the instant FIR came to be instituted. It is next submitted that had the informant seen the occurrence as she claims in the FIR in that event the informant would have instantly rushed either to the police station for instituting an FIR



or would have informed her family members about the occurrence but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that the informant after witnessing the occurrence on 10.02.2025 informed anyone in the family when the FIR came to be instituted on 11.02.2025 which casts an aspersion on the case of the prosecution. It is also submitted that since family of the petitioner and the informant are on litigating terms and in Thawa P.S. Case No. 289 of 2024, the name of the grandfather of the deceased transpired as a conspirator, as such, the entire family members of the petitioner came to be implicated in the instant case. It is submitted that no doubt, the offence appears to be heinous but then the fact of the case also needs to be appreciated. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned Senior Counsel appearing on behalf of the petitioner further submits that similarly situated co-accused Sudama Devi and Malti Devi had approached this Court seeking regular bail by filing Cr. Misc. No. 38019 of 2025 and the same was allowed by an order dated 08.08.2025 passed by a learned Coordinate Bench of this Court thereafter Priyanka Devi had



also approached this Court seeking regular bail by filing Cr. Misc. No. 39192 of 2025 and the same also came to be allowed by a learned Coordinate Bench of this Court vide order dated 03.09.2025. It is further submitted that no doubt, Sudama Devi, Malti Devi and Priyanka Devi have been granted the privilege of regular bail but no useful purpose would be served by sending the petitioner to jail when the allegation as alleged in the FIR is not inspiring confidence.

7. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned Senior Counsel appearing on behalf of the petitioner that in Thawa P.S. Case No. 289 of 2024, the name of the grandfather of the deceased's children transpired as a conspirator, further that petitioner's family and the informant's family are on litigating terms from before and also that if the informant was an eyewitness to the occurrence then why she did not institute the FIR on the same day when the Superintendent of Police had also visited the place of occurrence.

8. Considering the submissions made by the learned



Senior Counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Thawe P.S. Case No. 31 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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