

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43631 of 2025

Arising Out of PS. Case No.-210 Year-2023 Thana- BANIAPUR District- Saran

1. Pankaj Kumar Rai @ Pankaj Rai S/o Gauri Rai R/o Vill- Bagaucha, P.S.- Maharajganj, Distt- Siwan
2. Deepak Rai S/o Gauri Rai R/o Vill- Bagaucha, P.S.- Maharajganj, Distt- Siwan
3. Gauri Rai S/o Late Laldeo Rai R/o Vill- Bagaucha, P.S.- Maharajganj, Distt- Siwan
4. Seema Devi W/o Mantu @ Ajay Chaudhary R/o Vill- Bagaucha, P.S.- Maharajganj, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-12-2025 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, one of the accused person had illicit relation with wife of brother of informant and on the alleged date and time of occurrence, all the accused persons, including these petitioners, took brother of informant, namely Mantu Chaudhary, on the pretext of providing employment and



thereafter, killed him and concealed his dead body.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. From bare perusal of the complaint petition it is apparent that the complainant/informant is not an eye witness to the occurrence. From bare perusal of the F.I.R. it is apparent that the alleged occurrence took place on 22.05.2022, however, the complaint petition was lodged after inordinate delay of more than one year on 16.05.2023 and there is no plausible explanation for the gross delay which itself makes the entire prosecution case doubtful. As a matter of fact, Petitioner Nos. 1 and 2 are brothers-in-law, Petitioner No. 3 is father-in-law and Petitioner No. 4 is wife of the deceased, namely Mantu Chaudhary and they have falsely been implicated in this case with ulterior motive. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, delay in lodging of the complaint petition and clean antecedents of the



petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Baniyapur P.S. Case No. 210 of 2023, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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