

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45736 of 2025

Arising Out of PS. Case No.-109 Year-2020 Thana- ITARHI District- Buxar

1. Poonam Devi @ Poonam Kumari, W/o- Krishna Kumar Singh @ Krishna Kumar @ Krishn Kumar Singh @ Krish Kumar, Resident of Village- Unwas, P.S. - Itarhi, District- Buxar
2. Vishun Yadav @ Bishun Yadav, S/o- Late Dinanath Singh, Resident of Village- Unwas, P.S. - Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudama Singh, Advocate

Mr. Shashi Kant, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-08-2025 Heard Mr. Sudama Singh, learned counsel for the petitioners and Mr. Ganesh Prasad Singh learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Itarhi P.S. Case No. 109 of 2020 instituted for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

3. The case of the prosecution in short is that on 25.05.2020 at about 8.30 P.M., the son of the informant, namely, Sujeet Kumar Gupta (deceased) was at his home when he received a phone call on his mobile no. 6201862315 and went towards south in the village. When he did not return till 11 P.M.,



the informant called on his mobile but his call was not answered. His younger brother Pappu Sah went to search him in village but could not find him. In the morning when they were searching, they were informed that a dead body was found at the river bank.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The F.I.R. does not disclose the name of these petitioners. Their name has been disclosed during investigation. They are having no criminal antecedent.

5. Learned APP appearing for the State has vehemently opposed the prayer of bail of the petitioners.

6. From perusal of the order of the trial Court, it transpires that these petitioners are connected in this case vide C.D.R. It has been stated by petitioner no.1 that mobile no. 6299552672 is registered in the name of her husband and it was being used by her. In para 59 of the case diary, Suman Kumari has stated that she had talked with the deceased on the alleged date of occurrence. Learned counsel for the petitioners has submitted that during investigation, they were served the notice under Section 41 of Cr.P.C. and they were on personal bonds.



From the perusal of the order of the trial Court, it also transpires that process of proclamation under Section 82 of the Cr.P.C. has already been issued against them on 11.02.2025.

7. Be it as may be, as the process of proclamation has already been issued against the petitioners, the prayer of anticipatory bail of the petitioners is not maintainable.

8. Considering the above facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners and, as such, their application for bail is rejected.

9. Learned trial Court is directed to inquire into the submissions of the learned counsel for the petitioners whether the petitioners were on personal bonds during entire investigation or not and whether they have misused it or not and to decide the case on its own merit.

(Ashok Kumar Pandey, J)

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