

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49403 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- GARDANIBAG District- Patna

1. Rajesh Kumar S/O Laxmi Ray Resident of Kila Road, Police Station- Chowk Thana, Patna City, District- Patna
2. Dipa Kumari @ Dipa Devi W/O Rajesh Kumar, D/O Raju Ram @ Raju Prasad R/O Mandir Gali, Mohalla-Raghunath Tola, Anisabad, PS- Gardanibagh, Distt-Patna
3. Nitish Kumar S/O Raju Ram @ Raju Prasad R/O Brahmsthan Mandir, Mohalla-Raghunath Tola, Anisabad, PS-Gardanibagh, Distt-Patna
4. Sunny Kumar S/O Raju Ram @ Raju Prasad R/O Brahmsthan Mandir, Mohalla-Raghunath Tola, Anisabad, PS-Gardanibagh, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Krishna Sinha
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 10-11-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 333, 126(2), 115(2), 109, 352 and 3(5) of the BNS.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a woman. Learned counsel for the petitioners after arguing vehemently for sometime seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1



Rajesh Kumar.

4. Permission is accorded.

5. It is next submitted that informant alleges that Rajesh along with his wife Dipa and two children were living on rent in the house of the informant, further, rent for two months was due, next alleges that on account of dispute, the petitioners along with unknown accused came and assaulted her husband by rod causing injury on head, on account of which, her husband was admitted in ICU of AIIMS, Patna.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that petitioner no.1 and 2 were living on rent in the house of the informant for the last one and a half years and were paying rent regularly. It is further submitted that rent of two months were due but then husband of the petitioner no.2 was facing financial hardship as such had requested the husband of the informant to give him time for clearing the arrears. It is next submitted that on the date of occurrence, the husband of the informant in a drunken condition in absence of the husband of petitioner no.2 came to the house in the night when children were sleeping and finding the petitioner no.2 alone, tried to commit rape which was resisted. It



is submitted that petitioner no.2 pushed the husband of the informant on account of which he suffered injury on his head by falling on the edge of the bed, thereafter the husband of the informant fled. It is next submitted that after sometime the husband of the petitioner no.2 also reached the house and on coming to know he went to the house of the informant to confront, when an altercation took place between him and the informant. It is asserted and submitted that husband of the petitioner no.2 did not meet the husband of the informant when he visited their house. It is next submitted that petitioner no.3 and 4, who are brothers of petitioner no.2, have been implicated only with a view to coerce the petitioner no.2 into submission. It is next submitted that the informant alleges that accused persons assaulted her husband and thereafter brought him outside the house and took him near a temple, where again he was assaulted but then it is submitted that had the occurrence, as alleged, had taken place, in that event, the neighbours would have come to know that a fight has ensued but then from perusal of the case diary, it would manifest that no independent witness came to support the case of the prosecution.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that what is not



in dispute rather stands admitted is that husband of the informant died, on which, the learned counsel appearing on behalf of the petitioners submits that the date of occurrence is 09.03.2025 and the husband of the informant thereafter is alleged to have been admitted in the ICU of AIIMS and subsequently was discharged on 09.04.2025 and thereafter died on 20.04.2025. It is submitted that husband of the informant was discharged only after he was found fit to be discharged. It is further submitted that since the husband of the informant died on 20.04.2025 that amply demonstrates that the injury suffered by him was not the proximate cause of death. It is also submitted that police did not record the statement of the injured while he was under-treatment on which the learned APP submits that in the case diary, it has come that police on three occasion had gone to record the statement of the injured to the hospital but every time the doctors did not permit the police to record his statement and the last visit of the police was on 08.04.2025 when the permission was refused but then on 09.04.2025 the injured was discharged, on which, the learned counsel appearing on behalf of the petitioners submits that it absolutely does not stand to reason that as to why the doctor did not allow the police to record the statement of the injured on 08.04.2025, when he



was discharged on 09.04.2025 itself. Learned APP next submits that if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, on which, the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Gardanibagh P.S. Case No.181/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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