

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68931 of 2025

Arising Out of PS. Case No.-243 Year-2022 Thana- GORAUL District- Vaishali

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1. Meena Devi W/o Shiv Shankar Patel R/o Village - Sondho Ratti, P.S - Goraul, District - Vaishali
 2. Shiv Shankar Patel S/o Late Bindeshwar Mahto R/o Village - Sondho Ratti, P.S - Goraul, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Jyoti Kumari
For the State	:	Mr. Damodar Prasad Tiwary
For the Informant	:	Mr. Yashraj Bardhan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 24-11-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in Goraul P.S. Case No. 243 of 2022 registered under Sections 306 and 34 of the IPC. Later on, charge-sheet has been submitted under Sections 302/120(B)/34 of the IPC.

3. The informant Shiv Shankar Patel and the deceased, Shambhu Mahto were own brothers. The deceased (Shambhu Mahto) had a daughter aged about 16 years. His dead body was found hanging. The complicity of the informant in murder of his brother Shambhu Mahto was detected and he was made accused by the investigating authorities.

4. Learned counsel for the petitioners has submitted that



petitioner no. 2, Shiv Shankar Patel is informant of this case but later on he has been arrayed as an accused merely on the basis of suspicion as he saw the dead body hanging and reported the occurrence to the police and that is why, he has falsely been implicated in the present case at the behest of Mohan Patel and Urmila Devi, who wanted to grab the landed property of the deceased. It has further been submitted that petitioner no. 1 has no role in the present case. She has been made accused only because she is wife of petitioner no. 2.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submitted that petitioner no. 2(informant) procured a will deed from the deceased in his favour in the year 2017. After procuring the will deed, petitioner no. 2(informant) and his family members deprived the deceased from providing basic needs. Later on, that is why he came to the house of his brother-in-law Mohan Patel and his sister, Urmila Devi. Thereafter, the deceased started residing separately. Witnesses saw petitioner no. 2 in the house of the deceased and next day, his dead body was found hanging. But in FSL report, it was found a case of poisoning. Independent witnesses Ashok Mahto and Ram Nath Rai had seen petitioner no.2 visiting the house of the deceased and next day his dead body was found hanging. The daughter and widow of the deceased have fully corroborated the occurrence in



which they have stated that petitioner no. 2 wanted to grab the property of the deceased and he has got registered will deed.

6. Considering the facts and circumstances of the case, no material has come to suggest her involvement in the present case and she has been made accused merely because of being wife of petitioner no. 1, let petitioner no. 1, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Goraul P.S. Case No. 243 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ 482(2) of the BNSS, 2023.

7. In my view, the petitioner no. 2 does not deserve privilege of anticipatory bail. Accordingly it is rejected with respect to petitioner no. 2.

(Nawneet Kumar Pandey, J)

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