

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70682 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

1. Mahanth Yadav S/o Late Munshi Yadav R/o Village - Maniyara, P.S - Kuchaikot, District - Gopalganj
2. Arjun Yadav S/o Late Munshi Yadav R/o Village - Maniyara, P.S - Kuchaikot, District - Gopalganj
3. Champa Devi W/o Mahanth Yadav R/o Village - Maniyara, P.S - Kuchaikot, District - Gopalganj
4. Lalmuni Devi W/o Arjun Yadav R/o Village - Maniyara, P.S - Kuchaikot, District - Gopalganj
5. Lalsha Devi W/o Binod Yadav R/o Village - Maniyara, P.S - Kuchaikot, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2025 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 103(1), 3(5) and 238 of B.N.S., 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Pramod about 12 years ago, out of the wedlock three children were born, further alleges



that he talked to his daughter on 19.04.2024 at 08:30 p.m., further the next day the accused persons, including the petitioner, killed the victim and cremated her body without informing the informant, next alleges that a villager of petitioners' village informed his maternal nephew about the occurrence and his maternal nephew, in turn, informed the informant about the occurrence, accordingly, the informant reached the place of occurrence and asked from the father-in-law of the victim about the victim when accused assaulted them and when enquired from his son-in-law, he told that he does not know anything.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that marriage of the victim with Pramod was 12 years old and in between these 12 years no case ever came to be instituted either by the informant or the deceased alleging torture, it is submitted that from the wedlock three children were born and the deceased and Pramod were leading a happy conjugal life. It is also submitted that from perusal of the F.I.R., it would manifest that informant alleges that he talked to the deceased at 08:30 p.m. on 19.04.2024, but then on the said date it is not even whispered in the F.I.R. that



the victim even remotely disclosed that she was being tortured at the hands of the accused persons, rather from the tenor of allegations alleged in the F.I.R., it appears that the informant and the victim had a normal talk. It is further submitted that husband of the victim is not an accused in the instant F.I.R. Learned counsel for the petitioners submits that it appears that for ulterior reason, the instant F.I.R. came to be instituted without implicating the husband of the victim as an accused in the F.I.R., when it is the responsibility of the husband to ensure the well being of his wife. Learned counsel for the petitioners next submits that a specific pleading has been made at para-10 wherein it is pleaded that during the course of investigation, the son of the deceased, who is aged about 10 years, has, in clear terms, stated that his mother died due to heart attack and nothing was done by the petitioners. Learned counsel for the petitioners reiterates and submits that when in these 12 years no case ever came to be instituted either by the informant or the deceased, that amply demonstrates that the relationship in between the petitioners and the deceased was cordial. It is next submitted that petitioner No. 1 is father-in-law, petitioner No.2 is cousin father-in-law, petitioner No. 3 is mother-in-law, petitioner No. 4 is cousin mother-in-law and petitioner No. 5 is sister-in-law



(Gotni) of the deceased. It is next submitted that cousin father-in-law and mother-in-law do not even reside with the family of the husband of the deceased, rather they reside separately. It is next submitted that informant was aware that his daughter died a natural death and was even present in the cremation, but by way of afterthought, the instant F.I.R. came to be instituted on 26.04.2025 when the date of occurrence is 19/20.04.2025 which also casts an aspersion on the case of the prosecution. It is next submitted that though the offence is not compoundable, but then the informant, realizing his mistake, has compromised the case, as would manifest from Annexure-2 to the anticipatory bail application, as such, no useful purpose would be served by sending the petitioners to jail, it is next submitted that petitioners will not abscond rather will cooperate in the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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) each 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 Kuchai Kothi P.S. Case No. 167 of 2025 subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Satyavrat Verma, J)

K.C.Jha/-

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