

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3283 of 2025

Arising Out of PS. Case No.-15 Year-2023 Thana- PAKRIDAYAL District- East Champaran

1. Pratima Devi Wife of Dinesh Raut Resident of Village- Sisahani, P.S. - Pakridayal, District - East Champaran
2. Dinesh Raut Son of Late Mahendra Raut @ Mahindra Raut Resident of Village- Sisahani, P.S. - Pakridayal, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Kumar Son of Late Shiv Das Resident of Village- Sisahani, P.S. - Pakari Dayal, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Ranjana Srivastava, Adv.
For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 10-07-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. Learned counsel for the petitioners seeks permission to
withdraw this application in respect of petitioner no.1.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn
in respect of petitioner no.1.

5. Now, this application survives for petitioner no.2 only.

6. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 302 and 120(B)/34 of
the Indian Penal Code.



7. A perusal of the FIR would show that the informant on having knowledge that his father had been killed by the petitioner and his family members lodged the present FIR.

8. Learned counsel for the petitioner submits, at the outset, that the present FIR has been lodged after a delay of four months. It would be apparent from the complaint itself that the informant got knowledge about the incident on 08.10.2022 itself and yet he filed the present complaint on 28.11.2022 and in the meantime, no other family member who is present in the village filed any case against the petitioner. Although it would appear from the FIR which is based on a complaint that was sent under Section 156(3) Cr.P.C. for institution of the FIR that there is an allegation upon this petitioner and his wife of having assaulted the informant's father due to which he died. The materials collected during the course of investigation suggest that the deceased may have been assaulted, but it would not be a case under Section 302 of the IPC. The independent witnesses who are the residents of the same locality and also neighbours of the deceased have stated that the deceased used to always come in an intoxicated condition to the house of the petitioner and remove his clothes and create nuisance. The witnesses have also stated that the deceased used to come with



a poison bottle stating that he would commit suicide and falsely implicate them in an occurrence. The witnesses examined in paragraphs 5, 6, 7 & 8 also reveal that after the allegation of assault, a *panchayati* had been convened and it was stated that an amount of Rs. 2 lacs would be given to the brother of the deceased and since that money was not given, the present case was lodged. It is further submitted that it would specifically be evident from paragraph 44 of the case diary which contains the supervision that there was a fight between the petitioner and the deceased on account of the deceased indulging in objectionable activities at the house of the petitioner and he died after 2-3 days. It is next submitted that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

9. Learned APP for the State, however, opposes the prayer for anticipatory bail.

10. Taking into consideration the substantial and unexplained delay in lodging of the FIR, the disclosure made from the materials collected during the course of investigation and also considering that petitioner has no criminal antecedent, let the petitioner no.2, above named, in the event of his arrest or surrender before the Court below within four weeks, be released



on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Pakaridayal P.S. Case No. 15 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

11. Accordingly, the application stands partly allowed.

(Soni Shrivastava, J)

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