

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.487 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- MIRGANJ District- Gopalganj

Sarwan Kumar Son of Late Gaurishankar Ram village- Sabeya Harijan tola,
Ps- Mirganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection with Mirganj P.S. Case No. 167 of 2024 registered for the offences punishable under Sections 304B, 120B/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioner is of being involved in committing murder of the Informant's daughter namely Chandni Kumari.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The petitioner is the brother-in-law of the deceased. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that the Informant was informed by the co-accused Gautam Kumar regarding death of the Informant's daughter and, after two days, the Informant lodged the present case implicating all family members of the petitioner. The deceased has died in the house of the Informant. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the occurrence. There is also no independent witness who has supported the case of the prosecution. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioner further submits that the co-accused have been granted regular bail by this Court vide order dated 20.11.2024 passed in Cr. Misc. No. 70736 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the offence alleged is serious in nature. He submits that in the postmortem report, ligature mark has been found on the neck of the deceased and



the throat bone was fractured. Several witnesses have also supported the prosecution case.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mirganj P.S. Case No. 167 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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