

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.752 of 2026

Arising Out of PS. Case No.-97 Year-2022 Thana- BAIRIYA District- West Champaran

Kalyan Patel @ Kalyan Kumar Son of Pradeep Patel Resident of Mohalla -
Dumariya, Ps- Bairiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2026 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bairiya P.S. Case No. 97 of 2022 for the offence registered under sections 302, 120(B) of the IPC lodged on 13.04.2022 by the informant, Hira Mahto.

3. As per the prosecution story, the informant alleged that the accused persons including the petitioner herein lured his daughter and took away with them. Later, he came to know that the girl has been killed and found hanging in a tree. This led to the FIR.

4. There is another story by way of Bairiya P.S. Case No. 95 of 2022 under Section 302, 102(B) of the IPC where Rajesh Prasad @ Rajesh Patel has alleged that his son had gone



to see the orchestra party, but the accused persons took him and later, he came to know that his son, Ravi Kishan Patel and daughter of the informant have been killed and hanged to a tree. Accordingly, the name of these petitioners and other accused persons have come in the FIR.

5. Learned counsel for the petitioner has taken this Court to an order passed in the case of Rajesh Patel & Ors. vs. State of Bihar (Cr. Misc. No. 38819 of 2025) to show that in that case, the case diary was called for in which it was recorded that two young boy/girl died and the cause of death was Asphyxia due to hanging. In that background, it has been informed that the accused were granted relief (Annexure-2 to the petition).

6. The submission is that contrary to the allegation in the FIR, both the boy and the girl were in relationship, due to pressure in the family not to tie the nuptial knots, they took the extreme step and left the world but the same has been given a different color.

7. Learned APP for the State, Mr. Bharat Bhushan, on the other hand, opposes the prayer for anticipatory bail submitting that allegation is against this petitioner and he is also having criminal antecedent.

8. Considering the submissions of the parties as also



the materials that has come on record and the cause of death has been found to be Asphyxia due to hanging, not only that of the girl but also of the boy who belong to the petitioner's family, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 97 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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