

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35873 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- RAMGARHWA District- East Champaran

1. Fulo Devi @ Fula Devi Wife of Arjun Paswan Resident of Village- Khalwapatti, P.O.- Kahar, P.S.- Dhanaha, District- West Champaran.
2. Archana Kumari @ Raman Kumari @ Raman Paswan Daughter of Arjun Paswan Resident of Village- Khalwapatti, P.O.- Kahar, P.S.- Dhanaha, District- West Champaran.
3. Anjali Kumari Wife of Kamlesh Kumar Resident of Village- Khalwapatti, P.O.- Kahar, P.S.- Dhanaha, District- West Champaran.
4. Kamlesh Kumar @ Kamlesh Kumar Paswan S/o Arjun Paswan Resident of Village- Khalwapatti, P.O.- Kahar, P.S.- Dhanaha, District- West Champaran.
5. Golu Kumar @ Golu Paswan Son of Arjun Paswan Resident of Village- Khalwapatti, P.O.- Kahar, P.S.- Dhanaha, District- West Champaran.
6. Ravi Kumar @ Ravi Kumar Paswan Son of Arjun Paswan Resident of Village- Khalwapatti, P.O.- Kahar, P.S.- Dhanaha, District- West Champaran.
7. Amit Kumar Son of Kanhaiya Paswan Resident of Village- Cherihami Manwa, P.S.- Matiyari, District- West Champaran.
8. Ranjana Kumari @ Kumari Ranjan Paswan @ Kumari Ranjana Paswan Wife of Amit Kumar Resident of Village- Cherihami Manwa, P.S.- Matiyari, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-07-2026 Learned Advocate for the respective parties are present.

2. At the outset, learned Advocate for the petitioner submits that during the pendency of the present application, petitioner no. 3 died and, as such, he is not pressing the bail application on her behalf.



3. The petitioner nos. 1, 2 and 4 to 8 apprehend their arrest in connection with Ramgarhwa P.S. Case No. 44 of 2026, registered for the offenses punishable under Sections 103(1), 61(2), 303(2) and 3(5) of the B.N.S.

4. Based upon the written report, the prosecution alleges that the informant's son was posted as Branch Manager at Bihar Gramin Bank, Raghunathpur Bazar Branch and while he was residing with his wife and children, on 19.01.2026 he made telephonic call to his son and expressed his willingness to meet, whereupon he disclosed that some of the family members of his wife have come and he will meet after a week. On 22.01.2026, the informant received information that his son has died. It is further alleged that his wife and her family members used to demand the earning of the deceased and also given threat to cause harm.

5. Learned Advocate for the petitioners submitted that the marriage of the informant's son with Vandana Kumari was a love marriage and due to which there was some strained relationship between both the families. However, this is the admitted position that after the marriage, the son of the informant was living separately with his wife happily and both the couple also blessed with two children and at no point of



time, there had been any complaint regarding any torture at the hands of the wife, rather it is the family members of the informant, who were indulged in demanding money from the deceased and subsequently the wife has also filed a complaint, bearing Complaint Case No. 144 of 2026 against the informant and others alleging torture and demand of money. The entire case falls to the ground for the simple reason that during the course of post-mortem, no mark of external or internal injuries were found and, as such, the viscera was sent to the Forensic Science Laboratory.

6. It is the contention of the learned Advocate for the petitioners that the petitioners have nothing to do with the affairs of husband and wife, and even if the allegation is taken to be true, it is alleged that on 19.01.2026, the petitioners had come to the house of Vandana Kumari, but it has not been disclosed that as to whether they stayed in the home till 22.01.2026, the date on which occurrence took place. The informant is not an eye witness to alleged occurrence and the entire case is based on suspicion and due to previous strained relationship.

7. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and



submitted that the reason of causing death to the informant's son is obvious that his son had solemnized marriage without the consent of the family member of Vandana Kumari and due to which they were carrying grudge and there is every chance of causing death of the deceased. Since nothing has come in the post-mortem report, therefore, viscera report would be relevant to come to the conclusion about the death of the deceased.

8. Learned Advocate for the informant further contended that as per his instruction, now the process under Section 82 of the CrPC has also been issued.

9. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the informant is not an eye witness to the alleged occurrence and the entire case is based on suspicion, apart from the fact that the post-mortem report suggests no mark of violence and the name of the petitioners have been implicated only by virtue of they being the close relative of the wife of deceased. So far the contention of the petitioner regarding issuance of process under Section 82 of the Code of Criminal Procedure is concerned, suffice it to observe that the Apex Court in the case of *Asha Dubey Vs. State of Madhya Pradesh* in Cr. App. No. 4564 of 2024 {SLP (Cr.) No. 13123 of 2024} has



ruled that it is not a rule of thumb that in all cases that there will be a total embargo on considering the application for grant of anticipatory bail in the event of declaration under Section 82 of the CrPC.

10. In view of the aforesaid facts, circumstances and position obtaining in law, this Court is inclined to extend the privilege of anticipatory bail to the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 44 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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