

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37625 of 2026**

Arising Out of PS. Case No.-70 Year-2026 Thana- VAISHALI District- Vaishali

Gautam Kumar @ Tuttu Son of Rajeshwar Sah Resident of Village-  
Bhagwanpur Ratti @ Rampur Rudra, P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Ms. Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      23-06-2026                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 103(1),  
61(2) and 3(5) of the B.N.S., 2023.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and the informant  
alleges that his daughter was married to Jai Prakash about 10  
years ago and out of the wedlock, two children were born, next  
alleges that Jai Prakash used to mentally and physically torture  
her, further about 4 days back, Jai Prakash had threatened to kill  
her, next alleges that petitioner also used to torture the victim  
and wanted to establish physical relation in absence of Jai  
Prakash, next alleges that petitioner on 20.01.2026 in the night,



after her children slept, committed wrong with the victim and strangulated her to death and thereafter hanged her dead body and the children informed about the occurrence.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that thrust of the allegation of committing torture on the victim is against her husband i.e. Jai Prakash. It is further submitted that petitioner is not related to Jai Prakash in any manner rather is a co-villager but whenever any dispute arose in between the husband and the wife, the petitioner sided with Jai Prakash, as such the petitioner came to be implicated in the instant case by the informant. It is further submitted that from perusal of the postmortem report, it would manifest that the same records asphyxia on account of hanging as cause of death and no external injury was found nor allegation of rape as alleged in the FIR gets corroborated from the postmortem report. It is further submitted that informant is not an eyewitness to the occurrence but then alleges that the children informed about the occurrence and the said allegation is an exaggerated allegation. It is also submitted that the informant in the FIR has alleged that the victim was



strangled to death, whereas the postmortem report records that the cause of death as asphyxia on account of hanging which amply demonstrates the falsity of the allegation. It is next submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender 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 trial court where the case is pending/successor court in connection with Vaishali P.S. Case No.70 of 2026, subject to the conditions as laid down under Section 482(2) B.N.S.S.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at



liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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