

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49704 of 2026

Arising Out of PS. Case No.-37 Year-2001 Thana- BHADAUR District- Patna

1. Bablu Pandey S/o Sri Ram Padarath Pandey R/o Village - Dahama, P.S - Bhadaur, District - Patna
2. Shumangali Devi W/o Ram Padarath Pandey R/o Village - Dahama, P.S - Bhadaur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 28-07-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 2 is a senior citizen aged about 92 years. It is next submitted that the informant alleges that his daughter was married to Bablu (petitioner no. 1) about 4 years back, further the accused persons including the petitioners from the time of marriage were demanding Rs. 50,000/-, a motorcycle and a colour TV, further



the victim was tortured on account of non-fulfillment of the demand, it is next alleged that victim used to show mark of injuries on account of the assault, further on 29-9-2001 the informant along with Bhola had gone to meet the victim, but they were not allowed to meet her and were ousted from the house, but on alarm, people gathered who disclosed that the victim was killed and her body was cremated.

4. Learned counsel for the petitioners submits that the case is of the year 2001 and death of the victim took place within seven year of marriage as such presumption in law is against the husband of the deceased and his family members. It is next submitted that during the course of investigation, it transpired that the victim died at her parental home and the petitioners came to be implicated falsely at the behest of the informant, thus the police after investigation submitted final form on 31-10-2002 exonerating the petitioners of the allegations as alleged in the FIR, but then the learned trial court differing with the police report took cognizance by an order dated 10-7-2017, i.e., 15 years after the final form was submitted. It is also submitted that petitioners were completely unaware that the learned trial court differing with the police report took cognizance. It is further submitted that petitioner



never received any summons and all of a sudden non-bailable warrant of arrest was issued and thus police started knocking the door when petitioners came to know that cognizance in the case has been taken. It is also submitted that when one investigating agency after threadbare investigation came to a considered conclusion that petitioners are innocent, whether it would be prudent for the court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioners of the allegation. It is next submitted that petitioner no. 2 is aged about 92 years and is nearing her grave. It is also submitted that if privilege of anticipatory bail is granted, the petitioners will not abscond rather will cooperate in the trial to prove their innocence.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Bhadaur P.S. Case No. 37 of 2001 subject to the
conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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