IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54349 of 2026

CNR No. BRHC010763832026

Arising Out of PS. Case No.-161 Year-2026 Thana- AAJAM NAGAR District- Katihar

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1. Lalu Kumar @ Laluba Singh @ Laluwa Singh S/o Late Mojar Singh Resident of Village - Nalkoppa, P.S. - Azamnagar, District - Katihar.
2. Kartik Singh @ Karik Singh S/o Late Major Singh Resident of Village - Nalkoppa, P.S. - Azamnagar, District - Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bimal Kumar, Adv
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

5 29-10-2026 Heard the learned counsel for the petitioners and the learned APP appearing on behalf of the State.

2. The petitioners are in custody in connection with Azamnagar P.S. Case No. 161 of 2026, registered for an offence under Sections 103(1), 238, 61(1) of the B.N.S.

3. As per the prosecution story, which has been lodged on the basis of the self statement of the informant to the effect that on 02.04.2026 at around 10:00 A.M, he received an information with regard to the death of a lady. It was informed that without information to the police station, his family members were taking her dead body for cremation. After registering Sanha entry, one Police Sub-Inspector was sent for

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verification of the information. Upon verification, the said Police Sub-Inspector returned to the police station and brought a written report/representation of the grandson of the deceased (petitioner no. 1), wherein it was stated that a day before, his grandmother was found in an injured condition and it was found that she was attacked by a Jackal and thereafter with the help of the villagers, she was taken for treatment at Purnia Hospital, however during course of treatment she died. It was further informed by the petitioner no. 1 that he does not want the postmortem to be done of the dead body of his grandmother, therefore they have cremated the dead body. On 03.04.2026 from media and news report, it came to notice of the informant that the husband of the deceased is also missing and when the petitioners were enquired about his whereabout, no satisfactory reply was given. Thereafter, the chowkidar was deputed to verify the authenticity of the information. On 04.04.2026, the informant received a confidential information from his sources that the deceased lady was killed by her husband Dhaneshwar Singh and both the petitioners connived with him to create a false story of attack by Jackal. At around 12:45 hrs, the informant along with chowkidar reached at the house of the petitioners and started interrogating them, thereafter, they

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informed that their grandmother was killed by their grandfather by a knife and when he came back then their grandmother was alive, therefore she was taken for treatment, however during course of treatment she died. Both the petitioners in connivance with their grandfather decided to create a false story of assault by Jackal and they informed the villagers about the same. Both the petitioners herein were taken to the place of occurrence and the knife used in the crime was recovered by the police.

4. The learned counsel for the petitioners submits that the petitioner are innocent and have not committed any offence. He submits that the entire story in the FIR is false and concocted and only on suspicion they have been made an accused in the present case. He submits that even assuming the allegations leveled in the FIR to be true, the allegation of killing has been leveled against Dhaneshwar Singh, who is the grandfather of the petitioners herein and at best the petitioners can be said to be the persons who were aware about the crime in question. The petitioners after coming to know about the occurrence from their grandfather, took their grandmother for treatment to Purnia Hospital, however during course of treatment she died, therefore the petitioners cannot be said to be an accomplish, since they bonafidely took their grandmother for treatment at hospital. The

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learned counsel for the petitioners submits that even during course of investigation, none of the witnesses have alleged about the role of the petitioners in the murder, since during course of investigation, the grandfather of the petitioners has been arrested and he, in his confessional statement has also accepted that he has killed his wife, on account of dispute and then he informed both his grandsons (petitioners herein), who connived with him in the greed for property. He lastly submits that the petitioners being young boys of 20 years and 21 years of age are languishing in judicial custody since 05.04.2026, without any criminal antecedent.

5. The learned A.P.P. for the State, while opposing the prayer for bail of the petitioners submits that during course of investigation, the petitioners have accepted their guilt and the same has been recorded in paragraph nos. 23 and 24 of the case diary. He next submits that during course of supervision, the connivance of petitioners also transpired and considering their involvement in the crime in question. The petitioners are not entitled for grant of bail.

6. Having considered the rival submissions and after going through the record, it appears that the dead body of the deceased was cremated without any postmortem by the

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petitioners and other family members of the deceased. A false story was narrated by the petitioners before the villagers that Jackal had attacked their grandmother and on account of the said attack, she sustained injuries and was taken for treatment at Purnia Hospital, however during course of treatment she died. During course of investigation, the grandfather of the petitioners, namely Dhaneshwar Singh was apprehended by the police and he, in his confessional statement made before the police disclosed that on account of dispute with his wife, he killed her by pressing her neck and thereafter assaulted her with a knife, while both he and his wife were cutting grass. He further confessed that thereafter he informed both the petitioners, who helped him to spread a false rumor that the deceased has died on account of attack by Jackal, in greed of his property. Considering the fact that the petitioners are not involved in killing the deceased lady and were only involved in spreading the false rumor about the attack on the deceased lady by Jackal, on the request/directions made by their grandfather, let the above named, petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with

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Azamnagar P.S. Case No. 161 of 2026, subject to the condition as laid down under Section 437(3) of the Code of Criminal Procedure/480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the following condition:

The concerned Court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the Court concerned shall take steps for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

shital/- **(Ritesh Kumar, J)**

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