IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73047 of 2026

CNR No. BRHC011023532026

Arising Out of PS. Case No.-71 Year-2026 Thana- ABADPUR District- Katihar

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Barasu Rai @ Chaitram Roy @ Chaitram Rai Son of Keshav Rai Resident of Village- Bhavanipur, P.S.- Abadpur, District- Katihar.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Champa Devi Wife of Late Ashi Nath Roy Resident of Village- Nayatola Malikpur, P.S.- Azam Nagar, District- Katihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pravin Chandra Prasad, Advocate
For the State : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Abadpur P.S. Case No. 71 of 2026 registered for the offence under Sections 61(2), 103 and 3(5) of the B.N.S. lodged on 09.06.2026 by the informant, Champa Devi.

3. As per the prosecution story, the informant alleged that when the husband of the informant was going to in-laws house for the ‘Bidagri’, the accused persons riding an E-richshaw dashed him. The father-in-law saw the same and took her husband to hospital where subsequently, he died after three days. This led to the F.I.R on the basis of complaint.

4. Learned counsel for the petitioner submits that

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there is delay of nine months in lodging the complaint. It was an accident which has been given the colour of killing. Further, they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that though there is delayed complaint, accusation is there against the petitioners herein.

6. Taking into account the submissions of the parties aforesaid as also that there is inordinate delay in filing the complaint, petitioners do not have criminal antecedent, one of them is a lady, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Abadpur P.S. Case No. 71 of 2026 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

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(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) 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/her bail bond by the Trial Court itself;

(iv) 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;

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

(Rajiv Roy, J)

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