

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72489 of 2025

Arising Out of PS. Case No.-164 Year-2024 Thana- KUMAR KHAND District- Madhepura

1. Vimla Devi W/O Bechan Mandal R/O Belari, Ward No. 5, Madhepura, P.S.- Kumarkhand, (Belaro OP), Dist.- Madhepura
2. Ratan Kumar @ Ratan Mandal S/O Bechan Mandal R/O Belari, Ward No. 5, Madhepura, P.S.- Kumarkhand, (Belaro OP), Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Supriya Kumari, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-04-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 302, 447, 379, 504 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are a person with clean antecedent and the petitioner No.1 is a woman and the informant alleges that on 11.05.2024, the accused person including the petitioner came at 9 A.M. and started loading his maize bags, on protest by her husband, the accused persons started abusing, when her other family member



came, the accused person assaulted her husband by lathi and rod causing injury on head and body, further villagers came and her husband was taken to hospital from where he was referred to higher centre but her husband during course of treatment died on 26.05.2024.

4. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case filed by the informant, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the date of occurrence is 11.05.2024 and deceased died on 26.05.2024 and the F.I.R. came to be instituted on 27.05.2024, i.e., after death of victim which casts aspersion on the case of the prosecution, it is submitted that had occurrence of the nature as alleged taken place in that event, an F.I.R. would have been instituted based on ferdbeyan of the victim if he was in a position to be or any relatives ferdbeyan would have been recorded at the hospital, it is submitted that whenever any case of assault is admitted in a hospital, the hospital informs the police but then it appears that in the instant case, the F.I.R. has been instituted based on written application of the informant, it is also submitted that post-mortem of the deceased was carried out and from perusal of the post-mortem report, it would



manifest that the cause of death could not be ascertained and the same also does not record that any external injury was found on the body of the deceased.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission made by learned counsel for the petitioners that F.I.R. was instituted on 27.05.2024, i.e, after death of the deceased and the post-mortem report does not record that any external injury was found. The learned A.P.P. after perusing the post-mortem report fairly submits that the same records that cause of death cannot be ascertained and no external injury is recorded. At this stage, learned counsel appearing on behalf of the informant submits that if privilege of anticipatory bail is granted, the petitioners may abscond on which the learned counsel appearing on behalf of the petitioners submits that petitioner will not abscond rather will cooperate in the investigation to prove their innocence.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, as named above, in the event of



their arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Kumarkhand (Belari O.P.) P.S. Case No. 164 of 2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. However, it is made clear that if the investigating officer of the case file an application before the learned trial Court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bond of the petitioner after recording the reason.

(Satyavrat Verma, J)

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