

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87319 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- PHULWARIA District- Begusarai

1. Renu Devi W/o Pankaj Kumar @ Pankaj Mahto
2. Pankaj Kumar @ Pankaj Mahto S/o Late Rambalak Mahto
Both R/o Village - Phulwaria (Phulwaria - 03), Barauni Nagar Parishad,
Ward No. 12, Near - NH -28, Bakhtar Sthan, P.S - Phulwaria, District -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 Heard Mr.Sandip Kumar Gautam, learned counsel
for the petitioners and Mr.Sanjay Kumar Tiwary, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Phulwaria P.S.Case No.144 of 2025, FIR dated
18.09.2025 registered for the offences punishable under
Sections 64(1),69,89,3(5) of BNS, 2023.

3. The prosecution case in brief is that the informant
Anshu Kumari worked in the field of Anish Kumar. In the
meantime, she came in contact with Anish Kumar and she used
to visit at his house. Anish Kumar made physical intercourse
with her on the pretext of marriage due to which she became



pregnant and after that she told about this fact to Anish Kumar, his parents and sister-in-law Sulena Devi. On 10.09.2025 when she suffered from stomach ache then she informed all the accused persons including the petitioners and her elder sister Muskan Kumari came near her and after that all the accused persons took her at Life Care Clinic where by surgical operation her child was brought out, who was dead. After operation, Pankaj Mahto & Sulena Devi stayed at the clinic for 3-4 days and when her parents was informed then Pankaj Mahto & Sulena Devi ran away, after leaving her at hospital.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. The allegation as alleged in the FIR is false and fabricated. From a bare perusal of the FIR it appears that the main allegation against co-accused person, namely, Anish Kumar, who happens to be the son of the petitioners and co-accused person, namely, Sulena Devi, who happens to be the aunt of co-accused person, namely, Anish Kumar, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 02.12.2025 passed in Cr. Misc. No.82330 of 2025. Petitioner No.1 is mother and petitioner No.2 is father of co-accused person, namely, Anish Kumar.



5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, they have been made accused in the present case merely on the ground that they are parents of co-accused person, namely, Anish Kumar and co-accused person, namely, Sulena Devi, who happens to be the aunt of co-accused person, namely, Anish Kumar, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Phulwaria P.S. Case No.144 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond 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.

(Rajesh Kumar Verma, J)

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