

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.396 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- MADHUBAN District- East Champaran

1. Shail Devi Wife of Ramji Prasad Resident of Village-Baki Tikam, P.S-Madhuban, Dist-Motihari East Champaran
2. Sakaldeo Prasad Son of Ramjit Bhagat @ Bhikhari Bhagat Resident of Village-Baki Tikam, P.S-Madhuban, Dist-Motihari East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Binay Kumar, learned counsel for the petitioners and Mr. Nitya Nand Tiwary, learned APP for the State.

2. Petitioners seek bail, who are in custody since 23.09.2024, in connection with Madhuban P.S. Case No. 393 of 2024, F.I.R. dated 22.09.2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 329(3), 326(g), 125(b), 118(1), 118(2), 109, 103(1), 352, 351(2), 351(3), 61(2), 124(2) of the B.N.S. 2023 and Sections 27-25(1-B)a, 26 & 35 of the Arms Act.

3. Allegation against the petitioner no. 1, namely, Shail Devi that she has given the farsha blow on the head of the



informant's sister-in-law namely Sunita Devi and allegation against petitioner no. 2, namely, Sakaldeo Prasad is that he gave repeated blow of sword upon the informant due to which both sustained head injuries.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that although the petitioners are named in the F.I.R. and there is specific allegation against the petitioner namely Sakaldeo Prasad that he gave repeated blow of sword upon the informant and the petitioner namely Shail Devi has given the farsha blow on the head of the informant's sister-in-law namely Sunita Devi. He further submits that it appears from the F.I.R. itself that co-accused person namely Ramji Prasad had fired the informant's bhagni by country made pistol due to which she died and co-accused Vivek Kumar also fired by country made pistol on Anil Prasad due to which he sustained injury. He further submits that it appears from the F.I.R. that due to previous dispute, the present occurrence had taken place and there is case and counter case between the parties and it appears from the F.I.R. that the petitioners have assaulted the informant and his sister-in-law and there is no specific allegation against the petitioners that



they shot fire upon the victim and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 23.09.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is case and counter case between the parties, let the petitioners, above named, be released 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 learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Madhuban P.S. Case No. 393 of 2024, subject to the following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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