

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5376 of 2025

Arising Out of PS. Case No.-284 Year-2024 Thana- BIHIA District- Bhojpur

1. Ashik Nat S/o Budhan Nat @ Late Budhan Nat R/o Village- Baghi Nat Toli (Bagahi Nat Toli), P.S.- Bihiya, District- Bhojpur
2. Badako Devi @ Barako Devi @ Barka Devi @ Barak Devi @ Barakiya Devi W/o Late Budhan Nat @ Budhan Nat R/o Village- Baghi Nat Toli (Bagahi Nat Toli), P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Bihiya P.S. Case No. 284 of 2024 registered on 16.09.2024 for the alleged offences under Sections 103 and 3(5) of the B.N.S.

3. As per prosecution case, petitioners and other co-accused persons assaulted the brother of the informant and killed him. They put his dead body near a brick kiln.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners and the informant as well as the deceased



are co-villagers and neighbours. From the FIR, it is apparent that the informant is not an eye-witness. In fact, there is no eye-witness to the whole occurrence and only on suspicion the petitioners have been made accused in this case. From the rejection order of the learned Sessions Judge, it appears that opinion has been reserved for cause of death till receipt of viscera report. This falsifies the allegation of assault, beating and causing death in such assaults. Petitioners are in custody since 18.09.2024 and charge-sheet has been submitted. Petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that there is direct allegation against the petitioners and other co-accused persons for causing death of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the post-mortem report does not show death due to injuries caused by assault and also considering the clean antecedent of the petitioners and submission of charge-sheet, the petitioners above named are directed to 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 ACJM-VII, Bhojpur at Ara/concerned court in connection with Bihiya P.S. Case No. 284 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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