

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18469 of 2025

Arising Out of PS. Case No.-576 Year-2024 Thana- MAJHAULIA District- West Champaran

1. Kiran Devi W/o Raj Kumar Sahni @ Raj Kumar Sahani Resident of Village- Lalsaraiya Tola Bairiya, Ward no. 9, P.S.- Majhauliya, Distt.- West Champaran
2. Musmat Budhiya @ Sugandi Devi W/o Late Fulla Sahni @ Fulena Sahani Resident of Village- Lalsaraiya Tola Bairiya, Ward no. 9, P.S.- Majhauliya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18478 of 2025

Arising Out of PS. Case No.-576 Year-2024 Thana- MAJHAULIA District- West Champaran

1. Raj Kumar Sahni Son of Late Fulla Sahni @ Fulena Sahani Resident of Village - Lalsaraiya Tola Bairiya, Ward No.9, P.S. - Majhauliya, District - West Champaran
2. Ashok Sahni Son of Late Fulla Sahni @ Fulena Sahani Resident of Village - Lalsaraiya Tola Bairiya, Ward No.9, P.S. - Majhauliya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18469 of 2025)

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 18478 of 2025)

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-07-2025

Heard Mr. Sanjeev Kumar Shrivastava, learned
counsel for the petitioners (in both cases), Mr. Shailendra



Kumar, learned APP for the State (in Cr. Misc. No. 18469 of 2025) and Mr. Shyameshwar Dayal, learned APP for the State (in Cr. Misc. No. 18478 of 2025).

2. The petitioners are apprehending their arrest in connection with Majhauriya P.S. Case No. 576 of 2024, F.I.R. dated 25.09.2024 registered for the offences punishable under Sections 140(1)/61 of B.N.S., 2023.

3. The prosecution case, in brief, is that on 24.09.2024 the informant got information that her grand daughter (Natani) Chandani Kumari became seriously ill. On dated 25.09.2024 in the morning at about 7:00 O'clock the informant went to seek her grand daughter at Lalsariya Tola Bairiya and she found that her grand daughter Chandani Kumari was not present in the house and all family members were absconded. She tried to search her grand daughter but she did not find her. It is further stated that accused persons are made a conspiracy and due to domestic dispute they had committed occurrence with her grand daughter Chandani Kumari and disappeared her.

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 the



allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. From perusal of the F.I.R., it appears that although petitioners are named in the F.I.R. but there is no specific allegation against these petitioners and the informant has filed the present case on the basis of suspicion and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence.

5. Learned APP for the State, on the other hand, on the basis of material available on record and the case diary has opposed the prayer for anticipatory bail of the petitioners and submits that it has come during investigation in the case diary that on the basis of spy it was found that the petitioners and other co-accused persons have given poison to the deceased but fairly submits that dead body of the deceased has not been recovered as yet and except the suspicion, no other cogent material has come during investigation to suggest the involvements of the petitioners in the present occurrence.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and except suspicion, no other cogent material has come during



investigation to suggest the involvement of the petitioners in the present occurrence, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 576 of 2024, 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 :-

(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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