

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21451 of 2025

Arising Out of PS. Case No.-400 Year-2024 Thana- HARNAUT District- Nalanda

1. Shakila Devi W/O Shri Vinod Paswan Resident of village- Sinduara, P.S.- Chandi, District- Nalanda
2. Asha Devi W/O Shri Ramashraya Paswan Resident of village- Ramsang Dihra, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, Advocate
For the Informant	:	Mr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioners seek bail in connection with Sessions Trial No. 161 of 2025 arising out of Harnaut P.S. Case No. 400 of 2024 registered for the alleged offences under Sections 138, 140(10, 140(3), 142 and 3(5) of Bharatiya Nyaya Sanhita, 2023 and subsequently added Sections 103(1), 238 and 61(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the son of the informant left his house and went to visit some fair but did not return and



thereafter, the informant named the petitioners and other co-accused for being involved in the abduction of her son with intention of killing. Later on, the dead body of the son of the informant was found.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have been named in this case merely on suspicion. The son of the informant went missing on 12/13.10.2024, but informant did not lodge any report and the written report was lodged for the first time on 17.10.2024. From the FIR, it is also apparent that the son of the informant was in relationship with one of the co-accused, Sushma Devi. Though one of the witnesses has made a statement about seeing other co-accused persons with the son of the informant in the late night on 12.10.2024 but he did not name these petitioners. The postmortem report of the deceased shows one swelling over left side of *parieto temporal* junction and the cause of death was stated to be intracranial hemorrhage due to head injury caused by hard and blunt substance, but viscera was also preserved for investigation regarding presence of poison or intoxicating substance. Learned counsel further submits that there is no eye witness who might have seen the petitioners with the deceased



and merely on confessional statement of the petitioners and co-accused, they have been roped in the present case. Learned counsel further submits that the deceased in intoxicated state might have fallen in ditch which could have resulted in his death and the petitioners and others have been falsely implicated. Learned counsel further submits that the petitioners are ladies and having clean antecedent. Petitioner no. 1 is in custody since 13.11.2024 and the petitioner no. 2 is in custody since 27.11.2024. Charge-sheet has been submitted.

05. Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that in the confessional statement, the petitioners and other co-accused persons have described in detail the role of each and every accused persons and the petitioners were also admitted that they were holding the hands of the deceased while he was being killed.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation and lack of substantive material against the petitioner to connect them with the offence as alleged and also considering the fact that the petitioners are ladies and



further considering the period of custody of the petitioners along with 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 Additional District & Sessions Judge-III, Biharsharif, Nalanda/court concerned in connection with Harnaut P.S. Case No. 400 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and 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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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