

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24070 of 2025

Arising out of PS. Case No.-265 Year-2024 Thana- NAUTAN District- West Champaran

Rita Devi, W/o Jagdish Sahani @ Jagdish Chaudhary, R/o Vill.- Dakshin
Telua, P.S.- Nautan, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prose-
cutor for the state.

2. The petitioner seeks bail in connection with Nautan
P.S. Case No. 265 of 2024 instituted for the offences under Sec-
tions 140(1) and 3(5) of Bhartiya Nyay Sanhita (BNS), 2023
and later on Section 103(1) and 238 of BNS was added. He has
no criminal antecedent.

3. Earlier, the bail of the petitioner was rejected *vide*
order dated 21.02.2025 passed in Cr. Misc. No. 75079 of 2024
with liberty to renew his prayer for bail after framing of charge.
Therefore, the petitioner has renewed his prayed for bail after



framing of charge which has been framed on 19.03.2025.

4. As per the FIR, the allegation against the petitioner is that co-accused Nitish Kumar @ Rohit Sahani had called the victim to his house on the occasion of the marriage and all the accused persons including the petitioner had asked victim to transfer the land in the name of Nitish Kumar, thereafter, the victim went missing and subsequently four days of the institution of the FIR his dead body was recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because during the course of investigation, on her statement, the body of the victim was recovered. Learned counsel for the petitioner further submits that barring the same there is nothing on record to connect the petitioner with the alleged crime even if the statement of the co-accused is taking into account. It is also submitted by learned counsel for the petitioner that the co-accused Nitish Sahani who has been stated to have called the victim to attend the marriage has been granted the privilege of bail *vide* order dated 12.05.2025 passed in Cr. Misc. No. 3951 of 2025 by a Co-ordinate Bench of this Court. It is also submitted by learned counsel for the petitioner that the similarly situated co-accused person has also been granted bail by a



Co-ordinate Bench of this Court *vide* order dated 30.04.2025 passed in Cr. Misc. No. 22548 of 2025. It is lastly submitted by learned counsel for the petitioner that the petitioner has clean antecedent and is in custody since 24.07.2024.

6. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner along with other co-accused persons were involved in killing of the victim. It has also been submitted that it was the petitioner who was the witness to the said incident and she was aware of the whereabouts of the victim and at the instance of the petitioner the dead body was recovered. It is also submitted by learned counsel for the informant that the petitioner being actively involved in the murder of the son of the informant should not be released on bail.

7. Considering the aforesaid submissions of respective counsel and taking into account that the allegation upon the petitioner is to the extent that she was in connivance with the other accused persons and upon her instance the body of the victim was recovered and there is nothing against the petitioner to show that she was involved in killing of the victim son of the informant and the petitioner has clean antecedent and is in cus-



tody since 24.07.2024 and also liberty was granted to the petitioner to renew his prayer for bail *vide* order dated 21.02.2025 passed in Cr. Misc. No. 75079 of 2024 to move for bail after framing of charge, which the learned counsel for the petitioner has stated to have been framed on 19.03.2025, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, West Champaran, Bettiah in connection with Nautan P.S. Case No. 265 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the



court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

