

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24484 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- MADHUBAN District- East Champaran

Sakal Paswan, S/o Late Hargen Paswan, R/O Vill.- Ward No. 3, Dulma, P.S.-
Madhuban, Dist.- East Champaran. Petitioner/S

Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26035 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- MADHUBAN District- East Champaran

Savita Devi Wife of Late Rajdev Ram, Resident of Village - Dulma, P.S. -
Madhuban, District - Motihari, East Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24484 of 2025)

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

For the Informant : Mr. Pramod Kumar Prasad, Advocate

(In CRIMINAL MISCELLANEOUS No. 26035 of 2025)

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-07-2025

Cr. Misc. No. 24484 of 2025

Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with
Madhuban P.S. Case No. 433 of 2024 registered for the offence
under Sections 140(1), 61(2), 352, 351(2), 351(3), 3(5) of



Bharatiya Nyaya Sanhita, 2023 and later on Section 103(1) was added.

3. The accused/petitioner is named in the F.I.R. and is in custody since 01.11.2024.

4. Allegation against petitioner is to call husband of the informant at about 7:00 PM from his home, whereafter he again came back to the home of the informant at 2:00 AM and informed her that her husband was arrested by police, upon search, she could not find him till lodging of present FIR.

5. Learned Counsel appearing on behalf of the petitioner submitted that except last seen circumstances, nothing appears available against this petitioner, who is in custody since 01.11.2024. It is submitted that even the dead body of husband of the informant was recovered from an open field after 6-7 days of the alleged occurrence. It is submitted that during entire investigation, no motive appears against petitioner. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Pramod Kumar Prasad, appearing on behalf of the informant, while



opposing the prayer of bail submitted that the circumstances against petitioner is very strong, as it is not a case of last seen only rather he accompanied husband of the informant to his home and after committing offence, he came to the house of the informant and said that her husband was picked up by police, which was found false information. It is pointed out that the informant visited several nearby police station, where she could not find her husband and when in morning she approached to petitioner to know, whereabouts her husband, it was denied to disclose by petitioner. It is pointed out that dead body of husband of the informant was found after 7-8 days in decomposed condition, which also appears from postmortem report, where cause of death found as asphyxia and punctured wound on neck with pressing mark. It is submitted that postmortem also reveals that death caused prior to 7-11, days which also appears *prima facie* corroborating with the time of occurrence.

7. Considering the aforesaid facts and circumstances and by taking note of fact as the petitioner called deceased husband of the informant in late evening for his home and again informed informant regarding false arrest by police at about 2:00 AM, *prima facie* being a strong incriminating circumstance, accordingly, prayer of bail of petitioner is rejected herewith for the



present.

8. However, as petitioner is in custody since 01.11.2024, the learned trial court is directed to conclude the trial in accordance with law, preferably within nine months.

Cr. Misc. No. 26035 of 2025

1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Madhuban P.S. Case No. 433 of 2024 registered for the offence under Sections 140(1), 61(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023 and later on Section 103(1) of BNS was added.

3. The accused/petitioner is named in the F.I.R. and is in custody since 22.11.2024.

4. Learned Counsel appearing on behalf of the petitioner submitted that only allegation against this petitioner is to advance threat to the deceased husband and also the informant as to return loan of Rs. 10,000/-. It is submitted that except said threat, nothing incriminating appears against petitioner and was falsely implicated with present case. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no



chance of tampering with the evidence. Petitioner is a lady and claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of the fact as except suspicion out of threat, nothing *prima facie* appears incriminating against petitioner, who is a lady of clean antecedent, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 22.11.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Madhuban P.S. Case No. 433 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, East Champaran at Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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