

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25383 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- SIKARHATTA District- Bhojpur

1. Ajay Chaudhary Son of Aklu Chaudhary R/o Village - Dev (Deo), P.S.- Sikarhatta, District - Bhojpur
2. Prem Chand Sah @ Nepali Singh @ Nepali Sah @ Prem Chandra Saw @ Premchand Sah Son of Ramashis Sah R/o Village - Dev (Deo), P.S.- Sikarhatta, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar, Adv
	:	Mr. Shivam Kumar, Adv
	:	Mr. Deepak Kumar, Adv
	:	Ms. Priya Kumari, Adv
	:	Mr. Abhishek Bhardwaj, Adv
For the Opposite Party/s	:	Mr. Anish Chandra, APP
For the Informant	:	Mr. Rajesh Kr. Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-07-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners seeks bail in connection with Sikarhatta P.S. Case No. 10 of 2025 registered for the offences under Sections 103(1), 61(2) and 351(2) of the Bharatiya Nyaya Sanhita.

3. The petitioners are named in the F.I.R. and are in custody since 15.01.2025.

4. The allegation against the petitioners is to commit murder of husband of the informant along with



other named co-accused persons.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioners were acquainted with the husband of informant and, therefore, they went collectively for a evening trips and thereafter at about 8:30 PM the husband of the informant was dropped near his home. It is pointed out that thereafter the deceased was taken inside the room and when informant wake up at about 2:30 AM found her husband dead. It is submitted that categorical allegations raised against petitioners to administer poison to the husband of the informant, but upon post-mortem cause of death was fracture of hyoid bone, and same was "**asphyxia due to throttling**". It is pointed out that the finding of post-mortem completely negates the allegation raised by the informant, which in actual took place in the house of the informant itself, where petitioners and other persons as an afterthought were made accused with the present case as to save themselves. While concluding the argument it is submitted that petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that victim could not recognize the unconsciousness of her husband that whether same was caused due to asphyxia or due to administering poison being a rustic villager, however he conceded that the deceased was dropped near to the house of the informant by petitioners.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as post-mortem report prima-facie completely negates the allegation as raised through FIR qua cause of death, coupled with the fact as petitioners are in custody since 15.01.2025, accordingly both above named petitioners, are directed to be released on bail in connection with Sikarhatta P.S. Case No. 10 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.



S.Tripathi/-

(Chandra Shekhar Jha, J.)

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