

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26264 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- BANJARIA District- East Champaran

1. FIROJ MIYA @ FIROJ ALAM @ FIROZ ALAM S/O MAKBUL MIYAN R/o vill - Khiri, P.s. - Banjariya, Distt.- East Champaran
2. Jaisun Nesha @ Jaitun Nesha W/o Makabul Miyan @ Makbul Minya R/o vill - Khiri, P.s. - Banjariya, Distt.- East Champaran
3. Makabul Miyan @ Makbul Minya S/o Oli Mahmud R/o vill - Khiri, P.s. - Banjariya, Distt.- East Champaran
4. Akalima Khatoon W/o Serajul Miyan @ Firoj Ahamad R/o vill - Khiri, P.s. - Banjariya, Distt.- East Champaran

... .. Petitioners.

Versus

1. The State of Bihar
2. Fulshan Khatoon D/o Molbi Mian R/o vill - Bahuari, P.S. - Lakhura, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-08-2025 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

2. At the very outset, learned counsel for the petitioners prays for withdrawal of this application with regard to petitioner no.1.

3. Prayer is allowed.

4. Accordingly, this application is dismissed as withdrawn with regard to petitioner no.1.

5. However, if the petitioner no.1 surrenders before the learned Court below within a period of three weeks and



seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order preferably on the same day.

6. Now, this application survives only for petitioner nos.2 to 4.

7. The petitioner nos.2 to 4 apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 85, 124(1)(2), 109, 115(2), 352 and 3(5) of the Indian Penal Code.

8. The allegation in the first information report is that all the F.I.R. named persons including these petitioners tried to kill the informant by setting her ablaze.

9. It is submitted by learned counsel for the petitioners that the allegation against the petitioners are general and omnibus in nature. There is delay of three days in lodging the F.I.R. without assigning any plausible and cogent reason for the said delay. It is also pointed out that the petitioners are old mother-in-law, father-in-law and the husband of the informant is already in judicial custody as specifically stated in para-14 of this petition.

10. Learned APP for the State opposed the prayer for bail.



11. Taking into consideration the facts and circumstances of the case coupled with the fact that the husband of the deceased is in custody, let the above named petitioner no.2 to 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Banjariya P.S. Case No.01 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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