

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25565 of 2025

Arising Out of PS. Case No.-364 Year-2024 Thana- MAHISHI District- Saharsa

Buchan Sharma, (M), aged about 50 years, Son of Prabhu Sharma, Resident
of Village- Mohanpur, Ward No. 96, P.S.- Navhatta, District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Rashmi Jha, Advocate
For the Opposite Party : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahishi P.S. Case No. 364 of 2024 dated 10.12.2024 registered for the offences punishable under Sections 103(1) and 238 of the B.N.S., 2023.

3. As per the prosecution case, the daughter of the informant, Lalita Kumari @ Fokchi, had gone with his elder son-in-law Vikash to his Village-Chikni Varsam, one month ago. On 07.12.2024, the informant came to know that his daughter after assault was thrown in a bush in the village-Aina. It is further alleged that he came to know that his daughter was taken to Darbhanga Medical College by Mahishi Police for her



treatment where she was declared dead by the doctor.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. It is further submitted that the petitioner who is the informant in the present case and during the course of investigation, his name has transpired as one of the accused in this case. It is further submitted that the F.I.R. has been registered against one Vikash Kumar who is the elder son-in-law of the informant but later on during the course of investigation, the informant who is the petitioner alongwith other co-accused persons were made accused in the present case on the basis of their own confessional statements which have got no evidentiary value in the eyes of law. There is no eye witness to the alleged offence and under undue pressure, the petitioner and the co-accused persons have confessed their involvement before the police in the present case. It is further submitted that neither the petitioner was arrested on spot nor any incriminating article has been recovered from his possession. The weapon used in the alleged offence was not recovered by the police. Except the confessional statement of the petitioner, there is no other substantive evidence to suggest the implication of the petitioner



in the present case. The charge sheet has been submitted in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 10.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has submitted that although the petitioner who is the informant of the present case is not named in the F.I.R. but the petitioner in his confessional statement which is in paragraph no. 32 of the case diary, has confessed that his wife (Urmila Devi @ Bhago Devi) caught hold of the right hand of the deceased and his mother-in-law (Alodhini Devi) caught hold of the left hand of the deceased and his minor son Deepak Kumar caught hold of the legs of the deceased and the petitioner cut the front part of the neck of his daughter (deceased) with the knife that was purchased by his wife (Urmila Devi). The petitioner also opened the suit and underwear of his daughter (deceased) to cut her private parts but his wife (Urmila Devi) and his mother-in-law (Alodhini Devi) stopped him from doing so as the second daughter of the petitioner (deceased) prior used to go to her elder sister, Rukmani Devi's house and in that course, she has fallen in love with his brother-in-law (Bahnoi) Vikash Sharma and thereafter



they solemnized marriage and for this reason, the petitioner and the other co-accused persons were angry with the deceased.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of accusation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Mahishi P.S. Case No. 364 of 2024, pending in the court of learned C.J.M. Saharsa.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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