

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26270 of 2025

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

1. Alodhini Devi, (F), aged about 65 years, W/o- Late Ram Chandra Sharma, R/O Village- Aina, Ward No-6, P.S.- Mahishi, Dist- Saharsa
2. Urmeela Devi @ Bhago Devi, (F), aged about 40 years, W/o- Buchan Sharma, R/O Village- Mohanpur, Ward No-9, P.S.- Navhatta, Dist- Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Rashmi Jha, Advocate

For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

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

2. The petitioners seek 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 petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners are not named in the F.I.R. and during the course of investigation, their names have transpired in the present case. It is further submitted that the F.I.R. has been registered against the elder son-in-law, namely, Vikash, of the informant but later on, during the course of investigation, the informant alongwith the petitioners and the co-accused person, Deepak Kumar, were made accused in the present case on their confessional statements. The petitioners are ladies and merely on the basis of their confessional statements, they have been made accused in the present case which has got no evidentiary value in the eyes of law. Except their confessional statements, there is no other substantive evidence to suggest their implication in the present case. The petitioner no. 1 is aged about 65 years old and she is maternal grand-mother (Nani) and the petitioner no. 2 is the mother of the deceased and the wife of the informant. There is no eye witness to the alleged offence and under undue pressure, the petitioners and the co-accused persons have confessed their



involvement before the police in the present case. It is further submitted that even in the confessional statements, the specific allegation of slitting the throat of the deceased is levelled against the co-accused Buchan Sharma who is the father of the deceased. The petitioners were not arrested on the spot. No incriminating article has been recovered from the possession of the petitioners. The charge sheet has been submitted in the present case. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioners are 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Mahishi P.S. Case No. 364 of 2024.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

