

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31816 of 2025

Arising Out of PS. Case No.-310 Year-2024 Thana- BELHAR District- Banka

1. Miriya Devi @ Nirma Devi W/o Sonelal Manjhi Resident Of Village- Jogibada, Ps- Belhar, Distt.- Banka
2. Champa Devi W/o Late Chotu Manjhi Resident Of Village- Jogibada, Ps- Belhar, Distt.- Banka
3. Sonelal Manjhi S/o Late Menku Manjhi Resident Of Village- Jogibada, Ps- Belhar, Distt.- Banka
4. Dilip Manjhi S/o Sonelal Manjhi Resident Of Village- Jogibada, Ps- Belhar, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioners are apprehending arrest in connection with Belhar P.S. Case No. 310 of 2024 lodged on 27.09.2024, for the offence punishable under Sections 108 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners. It has been alleged in the FIR that the informant's brother went to his *sasural* on the call of his wife, and on the very next day, his



mother-in-law called the informant and informed him that his brother had died due to poisoning. Thereafter, the informant went to his brother's *sasural*, but the body was not present there. With the help of police personnel, the dead body of the informant's brother was found buried near a canal.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that case diary has been called for from which it transpires that the dispute takes place between husband and wife and it has come in this case that the deceased (informant's brother) has consumed poison outside the house and returned back and died. Counsel submits that the petitioners are respectable persons and ready to fulfill all the conditions whatsoever shall be imposed upon them. Counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that in the case diary, it has come that the dispute takes place between husband and wife and thereafter, the deceased left the house. Counsel further submits that in the case diary, inquest report is there and the inquest report indicates that there was pre-mortem injury in the body.

6. As such, in the present facts and circumstances of



this case considering that the dispute takes place between the husband and wife which resulted into consumption of poison, let the petitioner no.1 namely Miriya Devi @ Nirma Devi, petitioner no.3 namely Sonelal Manjhi and petitioner no.4 namely Dilip Manjhi be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Chief Judicial Magistrate, Banka, in connection with Belhar P.S. Case No. 310 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. So far as petitioner no.2 namely, Champa Devi is concerned who is the wife of the deceased, this Court is not inclined to grant bail to her. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

(Dr. Anshuman, J)

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