

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33178 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- PARSAUNI District- Sitamarhi

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Mahang Sah, Son of Jamadar Sah, Resident of Village- Parshurampur, Tin Toli, Ward No.7, P.S.- Parsauni, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 34433 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- PARSAUNI District- Sitamarhi

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Gauri Shankar Sah, son of Mahang Sah, Resident of Village- Parshurampur, Tin Toli, Ward No.7, P.S.- Parsauni, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 33178 of 2025)
For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, Advocate
(In CRIMINAL MISCELLANEOUS No. 34433 of 2025)
For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-08-2025 Since both the bail petitions arise out of Parsauni P.S. Case No. 16 of 2025, as such, they have been taken up together and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.



3. In the present cases, the petitioners seek bail in connection with Parsauni P.S. Case No. 16 of 2025 registered for the offence under Sections 103, 3 (5) of BNS, 2023.

4. As per prosecution case, the petitioners and other co-accused persons, in the backdrop of love affair of the son of the informant with the daughter of the petitioner Mahang Sah, assaulted the son of the informant with sharp weapon and strangled him to death and brought the dead body in the house of the informant and left it there.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged after delay of two days without any explanation. The learned counsel further submits that the FIR has been lodged after inquest report was prepared and the family members of the informant were witnesses on the inquest report, but they did not raise any suspicion against any one. The learned counsel further submits that there is no eye witness to the occurrence and the informant has raised only suspicion against the petitioners and other co-accused persons and there being no eye witness, the whole case is based on circumstantial evidence. The learned counsel further submits that it is not believable that after killing the son of the informant, the accused



persons would take pains to bring the dead body to the house of the informant. The learned counsel further submits that the house of the informant is two storied and there was an iron gate and the dead body was found inside the house as informed to the police on 04.02.2025 itself, but not registering the case on the same day is very surprising. The learned counsel further submits that moreover post mortem was conducted and the post mortem report shows the death was caused due to *asphyxia* resulting in CR failure, though one sharp cut injury was found on the left hand of the deceased. The learned counsel further submits that independent witnesses examined during investigation have stated about the deceased trying to enter into the house of the petitioners in the night and on being scolded by the petitioners and others, the deceased returned to his house and committed suicide. The charge sheet has also been submitted under Section 108, 3(5) of BNS. This shows the police has come to the finding that the deceased committed suicide. Perhaps the deceased first tried to commit suicide by cutting his hand and ultimately he hanged himself with rope. The learned counsel further submits that one of the co-accused persons, namely Tetari Devi has been granted anticipatory bail vide order dated 20.05.2025 passed in Cr. Misc. No.32901 of 2025 by a Coordinate Bench of this



Court. The petitioners are in custody since 06.02.2025 and are having clean antecedent.

6. Learned APP opposes the submission made on behalf of the petitioners. The learned APP submits that the charge sheet has been submitted under Section 108 and 3(5) of BNS.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague and doubtful nature of allegation against the petitioners and further considering delayed filing of FIR and also considering the period of custody of the petitioners and their clean antecedent, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sitamarhi/concerned court, in connection with Parsauni P.S. Case No. 16 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court



below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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