

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34705 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- GAYA KOTWALI District- Gaya

1. Shulekha Devi W/o- UPendra Paswan Village- Dom Toli Murlihill Bairaga Ps- Kotwali Dist- Gaya
2. Meena Devi W/o- Rajendra Paswan Village- Dom Toli Murlihill Bairaga Ps- Kotwali Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Kotwali P.S. Case No.85 of 2025 lodged on 19.02.2025 under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 324(4), 303(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-B)a, 26 and 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 9 named accused persons including the present petitioners with allegation that all accused persons armed with run entered into the house of the informant and started firing. The allegation is that they have assaulted by butt of the gun to the mother and brother of the informant as well as allegation of loot of



Rs.65,000/- cash and gold chain and other articles. Upon call, administration reached and one katta and 3 empty cartridges and one live cartridges were recovered from the place of occurrence.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that petitioners are female and petitioner No.1 is wife of the accused, namely, Upendra Paswan. The said Upendra Paswan has contested election of ward councillor in the said locality. It has been alleged that informant was opposing him and trying his level best so that husband of the petitioner may not contest the election and petitioners, her entire family members and supporters were made accused in the present case.

5. Counsel submits that the criminal antecedent of the petitioner No.1 is not clean as there are 4 criminal cases pending against her and petitioner No.2 has clean antecedent. He further submits that petitioners are in custody since 20.02.2025.

6. Counsel further submits that today this Court has granted bail to the co-accused person in Cr. Misc. No.34631 of 2025.

7. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is general and omnibus allegation against the petitioners.

8. In the present facts and circumstances of this case



and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge, if not framed** as well as on being satisfied by the trial court that **petitioner No.1** is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of C.J.M., Gaya in connection with Kotwali P.S. Case No.85 of 2025, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. The details of the cases which are pending against the petitioner No.1, are as follows:-

- i. Kotwali P.S. Case No.458 of 2023.
- ii. Kotwali P.S. Case No.432 of 2020.
- iii. Kotwali P.S. Case No.361 of 2022.
- iv. Kotwali P.S. Case no.117 of 2020.

(Dr. Anshuman, J.)

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