

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52225 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- HUSSAINGANJ District- Siwan

1. Chhotalal Chauhan @ Chhote Lal Chauhan S/O Late Ramashray Chauhan Resident Of Village- Singarpatti Mathiya, P.S- Hussainganj, Distt.- Siwan.
2. Mintu Devi @ Minta Devi W/O Motilal Chauhan Resident Of Village- Singarpatti Mathiya, P.S- Hussainganj, Distt.- Siwan.
3. Inlawati Devi W/O Ashok Chauhan Resident Of Village- Singarpatti Mathiya, P.S- Hussainganj, Distt.- Siwan.
4. Ramita Devi @ Samita Devi W/O Chhotelal Chauhan @ Chhotalal Chauhan Resident Of Village- Singarpatti Mathiya, P.S- Hussainganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Hussainganj P.S. Case No.88 of 2025 under Sections 126(2), 115(2), 118, 351(2), 3(5), 109(1) of the BNS, 2023.

3. As per the prosecution, the FIR has been lodged against 9 named accused persons including the present petitioners against whom there is allegation that they all in connivance with each other entered in the house of the



informant and assaulted the family members of the informant due to which one Girija Devi got injured and admitted to hospital and subsequently she died.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that petitioners have been falsely implicated in this case. He further submits that the specific allegation is against one Motilal Chauhan to assault by *kudali* due to which Girija Devi died and against rest persons, there is no allegation of act and overt act in this case.

5. Counsel submits that the criminal antecedent of the petitioners is clean. He further submits that petitioner No.1 is a male and rest all petitioners are female. He further submits that petitioner No.4 is an old aged lady about 50 years.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioners have clean antecedent. He further submits that the specific allegation is against Motilal Chauhan, though he is not party in this case, but it has been alleged that rest accused persons were entered in the house and assaulted the family members of the informant.

7. In the present facts and circumstances of this case and considering the age of petitioner No.4, let the petitioner No.



4 namely, Ramita Devi, be granted 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) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate-1st Class, Siwan in connection with Hussainganj P.S. Case No.88 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. So far as the petitioner Nos, 1, 2, and 3, namely, Chhotalal Chauhan, Mintu Devi and Inlawati Devi, are concerned, this Court is not inclined to grant anticipatory bail to the petitioner Nos.1, 2, and 3, therefore the bail application of the petitioner Nos.1, 2, and 3 is hereby rejected.

9. However, trial court is directed to consider the regular bail application of the petitioner Nos.1, 2, and 3, , if they surrender within 6 weeks from today and pray for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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