

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38019 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- THAWE District- Gopalganj

1. Sudama Devi W/o Mosafir Singh
2. Malti Devi W/o Munilal Singh
Both Resident of Vill.- Jagdishpur, P.S.- Thawe, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Chaudhary, Sr. Advocate
	:	Mr. Naresh Prasad, Advocate
For the Opposite Party/s	:	Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2025 Heard Mr. Basant Kumar Chaudhary, learned senior counsel appearing for the petitioners and Mr. Rajesh Kumar, learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 12.02.2025 in connection with Thawe P.S. Case No. 31 of 2025, F.I.R. dated 11.02.2025 registered for the offence punishable under Sections 61(2), 103, 238 of Bharatiya Nyaya Sanhita, 2023.

3. Allegation against the petitioners is that they along with other accused persons have allegedly committed the murder of the daughters of the informant by filling soil forcefully in their mouths.

4. Learned senior counsel appearing for the petitioners submits that the petitioners have clean antecedent. The



allegation as alleged in the FIR is false and fabricated. It appears from the FIR itself that the informant is not the eye witness of the alleged occurrence and the date of occurrence as alleged in the FIR is 10.02.2025 but the present FIR has been institution on 11.02.2025 and before filing of the present FIR the inquest report was prepared apart from that, postmortem was conducted before filing of the present FIR and the postmortem was conducted at 01.40 AM on 11.02.2025 and the present FIR has been instituted at 01.00 PM. on 11.02.2025 which suggests that before filing of the present FIR, the inquest report as well as postmortem was conducted by the prosecution and apart from that, the informant is not the eye witness of the alleged occurrence and due to previous land dispute, the petitioners have falsely been implicated in the present case, and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and even no one has seen the alleged occurrence.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, petitioners have clean antecedent, informant is not the eye witness of the alleged



occurrence, petitioners have been made accused in the present case merely on the basis of suspicion and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/learned Court concerned, Gopalganj in connection with Thawe P.S.Case No.31 of 2025, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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