

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38444 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- KHAGARIA District- Khagaria

Shilia Devi @ Shila Devi, Wife of Prakash Sahni @ Om Prakash Nishad, R/o
Village- Shobhni, P.S.- Khagaria (Gangour) Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Khagaria (Gangour) P.S. Case No. 313 of 2024 registered for the offences punishable under Sections 301/34, 120(B) of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code and Section 27 of the Arms Act have been added.

3. Allegedly on the fateful day, while the informant and his father were present in his house, in the meanwhile, co-accused Md. Darho has come there and told his father that 10-11 persons have come to his filed to talk about *Jalkar*. The informant along with his father reached at the field, whereupon all the F.I.R. named accused persons caught hold the father of the informant and brutally assaulted him by means of fists and



Butt of the pistol and thereafter co-accused Rajesh Sahani and Dharamvir Sahani fired upon his father, due to which he sustained fatal injury and later on all the accused persons succeeded in fleeing away.

4. Learned Advocate for the petitioner submitted that admittedly the petitioner is not named in the F.I.R. However, later on, the police apprehended co-accused Md. Darho @ Md. Daharu and on the basis of confessional statement, the name of the petitioner surfaced that it is she, on whose instigation the deceased was done to death. It is further contended that in fact earlier the son of the petitioner was found missing, which led to institution of Khagaria (Gangour) P.S. Case No. 710 of 2023. Subsequently, the dead body of the son of the petitioner was found and suspicion was raised against the deceased and the informant of this case along with others. Only on account of the aforesaid reason, the police implicated the name of the petitioner in the instant case. However, during the course of investigation, the police did not find any complicity of any of the accused persons, except Md. Darho @ Md. Daharu; this fact also smacks *mala fide* on the part of investigating agency. The informant, who is said to be an eye witness to the occurrence has narrated the entire incidence and, as such, the implication of



the petitioner in causing death of the father of the informant does not inspire confidence; moreover, the petitioner is a lady, having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that motive is writ large, as explained hereinabove.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the narrations made in the F.I.R., coupled with the fact that the petitioner is not named in the F.I.R. and save and except the confessional statement, there is no other material showing complicity of the petitioner in the crime, as also the petitioner is a lady, having fair antecedent, let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangour) P.S. Case No. 313 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors



shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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