

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39084 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- KHAJALI District- Madhubani

1. Manju Devi, W/O Sri Diwakar Kumar @ Diwakar Kumar Singh, Resident of village- Datuar, P.S.- Khajauli, District- Madhubani
2. Mungiya Devi, W/O Sri Ram Bilash Singh, Resident of village- Datuar, P.S.- Khajauli, District- Madhubani
3. Gulab Devi, W/O Sri Shiv Kumar Singh, Resident of village- Datuar, P.S.- Khajauli, District- Madhubani
4. Anita Devi, W/O Sri Ram Kumar Singh, Resident of village- Datuar, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP.
For the Informant	:	Mr. Vinod Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-10-2025 Heard Mr. Ajay Thakur, learned Advocate appearing on behalf of the petitioners and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State. The informant is represented through Vinod Kumar Sinha, learned Advocate.

2. The petitioners apprehend their arrest in connection with Khajauli P.S. Case No. 52 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 103(1), 61(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioners is of causing



assault by means of *lathi*, *danda* and bricks alongwith other family members, leading to death of the wife of the informant.

4. Learned Advocate appearing on behalf of the petitioners submitted that the parties are agnates and admittedly there are pending litigations and since both the parties have been keeping grudge against each other, there is every chance of false implication of all the family members, and the present is the case where the petitioners who all happen to be women, their names have been implicated in this case. Taking this Court to the post-mortem report, learned Advocate for the petitioners further submitted that though the report reveals the informant has sustained four injuries and on account of the impact of the injuries, there was bleeding from the nose of the deceased, however, all these four injuries are in fact, one injury sustained over the left temporal region, which in fact has resulted on account of falling at the hand pump erected at the place of occurrence. There is omnibus allegation against nine accused persons of causing assault by means of *lathi*, *danda* and bricks, but as stated above, *prima facie*, it appears that she has sustained one injury, which also strengthens the case of the accused persons that because of enmity, the names of all the other family members have been given.



5. Mr. Thakur, further has taken this Court to the case diary and referring to paragraph 80 has submitted that the statement of the brother of the sister-in-law was also recorded and he has stated that on screaming, when he rushed to the place of occurrence, he found that the deceased was unconscious and she was taken to the hospital; hence, the allegation that the informant and his son came to her rescue and also sustained injury, does not find corroborated. There is no whisper with regard to the injury report and the treatment having been offered to the informant and his son. So far the male members of the families are concerned, they have already surrendered.

6. On the other hand, learned Advocate for the State and the informant vehemently opposed the pre-arrest bail application and submits that besides the two criminal antecedents against the petitioner nos. 2 to 4, they have actively participated in the crime; because of the brutal assault the deceased has sustained five injuries, which proved fatal. The son of the deceased and her husband were eye witness to the alleged occurrence and they have categorically took the name of the petitioners as the participant of the occurrence and resultant death of the deceased. It is further submitted that now process under Section 82 has been issued and they have been declared



absconder.

7. Considered the submissions advanced by learned Advocate for the respective parties and taking note of the materials collected during the course of investigation. Before parting with the case it would be pertinent to observe that there is no doubt that the extraordinary power of grant of anticipatory bail may be exercised in exceptional cases in the interest of justice, even after the issuance of the process under Section 82 and 83. This issue has been crystallized by the Apex Court in the case of Asha Dubey vs. State of Madhya Pradesh reported in SLP (Cri) No. 13123 of 2024. Further this Court also finds that there is omnibus nature of allegation against 9 accused persons and save and except one injury and its impact which have been found over the temporal region, there is no injuries on any other part of the body; besides the aforesaid fact there is no other injury report which suggest the presence of the informant and his son, as also the pending litigation suggesting enmity between the parties, coupled with the fact, the petitioners are women, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Khajauli P.S. Case No. 52 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners and also that the petitioners shall not indulge in intimidating the witness of this case.

(Harish Kumar, J)

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