

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51988 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- BARIYARPUR District- Munger

1. Radha Devi W/O Bhim Singh @ Toiyan @ Toinyan Singh Resident of Village - Sitarampur, Naujira, Budhiya Kali Sthan, P.S. - Bariyarpur, District - Munger
2. Budhan Kumar @ Budhdev Kumar S/O Bhim Singh @ Toiyan @ Toinyan Singh Resident of Village - Sitarampur , Naujira, Budhiya Kali Sthan, P.S. - Bariyarpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gun Sagar Mahto, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 103(1), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is a woman and the informant alleges that his daughter-in-law used to deposit an amount of Rs.2,250/- per month with the society run by Radha Devi (petitioner no. 1). Further, his son for



the month of July 2024 gave an amount of Rs.2,250/- to his sister for depositing it with Radha Devi and thereafter he went to Himachal Pradesh. It is further alleged that thereafter the amount of Rs.2,250/- was deposited with Radha Devi for the month of July by the daughter of the informant but the accused persons including the petitioners disputed that an amount of Rs.2,250/- for the month of July has been deposited, accordingly, an altercation took place when the son of the informant came back from Himachal Pradesh on the said issue when Bhim Singh caught his son while Rajeev Kumar assaulted him by an iron rod causing injury on his head and nose. It is next alleged that the injured was taken to the hospital and while the informant was returning with her daughter when she was intercepted by the accused persons and Radha Devi dashed her daughter on the ground while Bhim and Bikram pounced on her chest and abdomen and pressed on account of which blood came in her mouth and she died.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that even presuming what has been alleged is true without admitting then the informant alleges that it was Radha Devi who dashed her daughter on the



ground and asked the accused persons to kill her based on which Bhim and Bikram pounced on her chest and abdomen and thereafter pressed so hard that blood came in the mouth of the deceased and she died. It is thus submitted that petitioner no. 1 is not alleged to have assaulted the deceased. It is next submitted that from the postmortem report, it would manifest that the Doctor did not find any external injury and the viscera has been preserved. It is thus submitted that had the daughter of the informant been assaulted in the manner as alleged by the informant in the FIR in that event during the course of postmortem external injury would have been found. It is also submitted that it is not the case of the informant that her daughter was poisoned to death by the accused persons. It is submitted that no specific allegation of assault is alleged against the petitioner no. 2 who is son of petitioner no. 1.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then the learned counsel appearing on behalf of the informant, who is in possession of the case diary, is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the postmortem report does not record any external injury.



6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Bariyarpur P.S. Case No. 40 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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