

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56550 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Diwani Devi, W/o Prakash Mukhiya, R/o Village - Sarauni Kala, Ward No. 09, P.S - Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Union : Mr. Pran, Adv.
For the State : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-08-2025 1. Heard Mr. Arun, learned counsel for the petitioner
and Mr. Binod Kumar No.3, learned APP for the State.

2. The petitioner seeks regular bail in connection with Saharsa Sadar P. S. Case No. 72 of 2025 dated 15.01.2025 registered for the offence punishable under Sections 140(3) of the B.N.S., and after completion of investigation, the I.O. submitted chargesheet under Sections 103(1), 238, 61(2) and 3(5) of the B.N.S. on 20.05.2025.

3. The main submissions advanced by the petitioner's counsel are that the petitioner is a lady and the FIR has been registered against unknown persons on the basis of certain mobile numbers traced during the course of investigation, the petitioner has been dragged as an accused mainly on the basis of circumstantial evidences. It is further submitted that the trial court



has discussed entire evidences collected by the I.O. in its rejection order, which clearly shows that the main allegation regarding killing the deceased is against the petitioner's husband and others and if the findings of the trial court are taken into account then it only appears that the petitioner was used to call the victim to a particular place and it does not appear that such a call was made by this petitioner knowingly or with prior knowledge of the *mens rea* of the other accused persons. It is lastly submitted that there is no direct evidence to show the petitioner's involvement in the killing of the deceased and she has been languishing in jail since 28.02.2025 and against her, the investigation has been completed.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepts that there is no direct evidence against this petitioner and she might be involved in the conspiracy along with her husband and others in killing the deceased.

5. Heard both the sides and perused the FIR and trial court's order. The instant matter is based on indirect evidences and as per the findings given by the trial court in the rejection order, the petitioner, who was having an illicit relationship with the deceased was simply used by co-accused for calling the victim and taking him to a particular place where her husband and others attacked the victim and finally killed him. So, considering the



nature of allegation appearing against this petitioner and her custody period and also coupled with completion of investigation against her, this court is inclined to release her on bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Saharsa Sadar P. S. Case No. 72 of 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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