

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66583 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- MUSAHARI District- Muzaffarpur

1. Baby Devi @ Beby Devi W/O Rajkishore Paswan Resident of Village-
Nayagaon, P.S.- Mushahari, District- Muzaffarpur
2. Pooja Devi D/O Rajkishore Paswan Resident of Village- Nayagaon, P.S.-
Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Muskan Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard the parties.

2. The petitioners before this Court are women, who are apprehending their arrest in connection with Musahari P.S. Case No. 103 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109(1), 103(1), 352, 351(2), 3(5) of the BNS.

3. On the fateful day while the father of the informant was at his *Bathan*, in the meanwhile, all the FIR named accused persons, including the petitioners came there and started abusing. When the father of the informant objected for the same, all of them brutally assaulted him with fists and slaps. It is alleged that due to assault being made on the lower side of his



belly, his father sustained serious injury and later on he was thrown nearby the bush and when the mother and the sister went to rescue him, then the father disclosed about the incidence.

4. Learned Advocate for the petitioners submitted that from the narration made in the FIR, it appears that the informant was not an eye witness to the alleged occurrence and on the disclosure made by his father, the present FIR came to be instituted; moreover there is no specific allegation against the petitioners of causing any hurt. The allegation of causing hurt over the belly and its lower side also does not corroborate with the post mortem report, which has been fully discussed in the impugned order and the doctor has opined that there was linear feature measuring 1” length over the right parietal bone of skull and soft tissue were deeply contused underneath the skull of right side and the injury was caused by hard and blunt object. The post mortem report clearly falsifies the prosecution case is the contention of the learned advocate for the petitioners. The petitioners are women having fair antecedent. Moreover, co-accused Raj Kishore Paswan has already been taken into custody and he is behind the bar.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the



petitioners have also participated in the crime and assaulted the father of the informant leading to his death.

6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the omnibus nature of allegation, coupled with the post mortem report as also the fact that the petitioners are women having fair antecedent, let the petitioners abovenamed 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Mushari P.S. Case No. 103 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.

(Harish Kumar, J)

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