

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82550 of 2024

Arising Out of PS. Case No.-671 Year-2024 Thana- BIHTA District- Patna

1. Sharda Kumari @ Sarda Devi wife of Arun Kumar Sharma Village- Kanhauli PS- Bihta, Dist- Patna, P/A- Daughter of Suresh Sah, Temple, Ahiapur, Village- Ahiapur, Panial, Ps- Bihta, dist- Patna
2. Bijanti Devi Wife of Suresh Saw Resident of village- Ahiapur, Panial, Ps- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Bihta P.S. Case No. 671 of 2024 instituted for the offences under Sections 103(1), 238 read with Section 3(5) of the B.N.S., 2023.

3. As per prosecution case, the accusation against the petitioners is of throwing both the sons of the Informant in a well. It is alleged that the elder son died while the younger son anyhow came out of the well.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The



petitioners have not committed any offence as alleged in the F.I.R. The date of occurrence is 23.07.2024 but, the F.I.R. was instituted on 24.07.2024 without there being any explanation for such delay which creates doubt in the prosecution case. There is not a single eye-witness to the alleged occurrence. Even the Informant is not the eye-witness to the alleged occurrence and the petitioners have been implicated in this case merely on the basis of suspicion. It is absolutely a case of circumstantial evidence. The police has not found any sign of violence or anything incriminating from the place of occurrence. Learned counsel for the petitioners submits that there is no direct or specific allegation against the petitioners rather the same is general and omnibus in nature. The petitioners are lady. The petitioners have no criminal antecedent and are languishing in judicial custody since 25.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. The witnesses have supported the prosecution case. Postmortem report supports the prosecution case. The younger son, who was survived, has supported the prosecution case. The petitioners are named in the



F.I.R. and, hence, they do not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as alleged against the petitioners, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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