

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2019 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- RAMNAGAR District- West Champaran

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1. Kosila Devi Wife Of Surrendra Sah Village- Bilaspur, Ward No-18,P.S.-
Ramnagar, District- West Champaran, Bettiah
2. Pradip Sah @ Pradip Kumar Son Of Surrendra Sah Village- Bilaspur, Ward
No-18,P.S.- Ramnagar, District- West Champaran, Bettiah
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-07-2025 Heard learned counsel for the petitioner learned
counsel for the OP.No.2 and learned APP for the State.

2. Learned counsel for the petitioner prays for
withdrawal of the anticipatory bail application of petitioner no.
No. 2, namely, Pradip Sah @ Pradip Kumar.

3. Permission is accorded.

4. Accordingly, the application of petitioner no. 2,
stands dismissed as withdrawn with the liberty to surrender and
approach the learned court below for grant of regular bail which
shall be considered on its own merit without being prejudiced
by this order.

5. The petition now only survives against petitioner
no. 1, namely Kosila Devi.

6. The petitioner apprehends his arrest in a case
registered for the offence punishable under sections 302, 201/34
of the Indian Penal Code.



7. The prosecution case in the FIR relates to the general allegation upon the accused persons, that they have killed the son of the informant and thrown his dead body on the railway track, which is back of the house of the petitioner. On getting such information by telephonically, went to the railway track and found dead body of his son with injuries on his body.

8. Learned counsel for the petitioner no. 1 submits that from bare perusal of the FIR, it would be apparent that there is general and omnibus allegation of assault against the accused persons. There is no eye witness in the case and the same is based only upon suspicion as the deceased was staying at his *sasural* along with his wife and other members of the family.

9. The post mortem of the deceased would go to show that injuries on his body are all lacerated in nature and cause of death has been shown as hemorrhage and shock due to hard and blunt injuries likely railway track injuries. On the basis of the said post mortem report, it has been argued that the injuries received by the deceased was being thrown on the railway track by some unknown persons and not by the petitioner no. 1.

10. The learned APP opposes the prayer for bail on the ground that the neighbours of the petitioners have given statements that the deceased was generally assaulted by the



accused persons. In response, it has also been submitted that upon reading the statement of these witnesses, it would appear that none of them were eye witnesses to the factum of killing or even too, throwing the dead body on the railway track. The learned counsel for the petitioner has also invited the attention of the court to the fact that two other co-accused persons have already been granted the privilege of anticipatory bail vide order dated 22.04.2025 passed in Cr. Misc. No.79767 of 2024.

11. Considering all the above mentioned facts and circumstances of the case and also considering that the petitioner no. 1 is mother -in-law of the deceased and her involvement in the alleged occurrence is suspect, let the petitioner no. 1, in the event of his arrest/ surrender within a period of four weeks from today, the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Ramnager P.S. Case No.285 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC .

N.K/-

(Soni Shrivastava, J)

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