

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87341 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Bhagmatiya Devi W/o Ghura Paswan @ Bhura Paswan Resident of Village- Futaharva, P.S- Nabinagar, Distt.- Aurangabad
2. Ghura Paswan @ Bhura Paswan S/o Late Swarath Paswan @ Swar Paswan Resident of Village- Futaharva, P.S- Nabinagar, Distt.- Aurangabad
3. Rahul Kumar @ Timal Paswan @ Timal S/o Dinesh Paswan Resident of Village- Futaharva, P.S- Nabinagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Nabinagar P.S. Case No. 220 of 2024 dated 23.08.2024, instituted for the offence punishable under Sections 103(1), 238m 3(5) of the B.N.S., Sections 3(2)(va) of the SC/ST Act and Section 8,12 of the POCSO Act.

3. The prosecution case, in short, is that, the informant namely Bhagmatiya Devi (who is now accused in this case) stated in FIR that she was alone in her house with her two minor grand daughters on 20.08.2024. Her Son, Deepak Paswan was



working outside. Her daughter-in-law, Geeta Devi went to her maika on the occasion of Rakhi. On the alleged date of occurrence at about 08:00 pm, when her two grand daughters went out for call of nature, accused Vivek Chauhan, Ashok Chauhan and Urmila Devi enticed victim and scolded her sister to go away. They taken away the victim. Sister of the victim told them about occurrence. On 21.08.2024, daughter-in-law of the informant returned. They started search of the victim. On 22.08.2024 in morning, they heard about recovery of a dead body from a pond, which was identified as the victim by the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the informant has been made accused in this case during investigation. It is next submitted that from perusal of FIR, it is apparent that accused Vivek Chauhan and two others have kidnapped Khusbhu Kumari (victim) in the night of 20.08.2024 and after two days, the dead body of the victim was found lying in a pond. Lastly, it has been submitted that the petitioner nos. 1 & 2 are in custody since 23.08.2024 whereas petitioner no. 3 is in custody since 26.08.2024. Petitioner nos. 1 & 2 have one criminal cases



against them whereas petitioner no. 3 is having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner and submitted that from bare perusal of case diary, the instant case seems to be a case of honour killing. Learned APP has submitted that the witness Baban Chauhan in para 10 of the case diary has stated that the victim returned to her house in the night and thereafter what happened with the victim he was not aware. Further, mobile of the victim was recovered from paddy crop situated behind the house of the victim. Several witnesses during investigation have stated that the victim and her sister went back to home on the alleged date of occurrence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioners at this stage.

7. Accordingly, the prayer for bail of the petitioners is hereby rejected.

(Khatim Reza, J)

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