

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83715 of 2025

Arising Out of PS. Case No.-409 Year-2025 Thana- SHERGHATI District- Gaya

Sudha Devi, Son of Arjun Malakar, R/o Mohalla - Gola Bazar (Basantbag),
P.S. - Sherghati, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate.

For the State : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending her arrest,
in connection with Sherghati P.S. Case No. 409 of 2025 dated
21.09.2025 registered for the offences punishable under
Sections 190, 191(2), 115(2), 126(2), 109, 132, 121(1), 351(3),
352, 338, 336(3), 340(2), 303(2), 317(5) of B.N.S. and Section
30(a)/45 of Bihar Prohibition and Excise (Amendment) Act,
2016.

3. As per allegation, when the Police raiding team
arrived near PNB, Gola Bazar, two riders on a Motorcycle
started pelting stone on the Police vehicle with intent to release
the apprehended accused persons. However, the Motorcyclist
flew away after causing damage to the glass of the Police



vehicle. It is also alleged that as per video recording and identified by local *chowkidar*, the petitioner amongst other 14 known persons and 7-8 unknown persons were also amongst those who were pelting stone.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is a lady and there is no question of her involvement in the alleged offence. She is no way connected for the alleged offence and she was not present on the place of occurrence. Hence, no *prima facie* case is made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering that no *prima facie* case is made out against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of her arrest or surrender before the court below within a period of



eight weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Sherghati P.S. Case No. 409 of 2025 subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedents despite her knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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