

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89687 of 2024

Arising out of PS. Case No.-210 Year-2024 Thana- WARISNAGAR District- Samastipur

1. Kavita Devi, Wife of Raj kishor Paswan Resident of Village- Mohiuddinpur, P.S.- Warisnagar, Distt.- Samastipur
2. Mukesh Paswan, Son of Kisunder Paswan Resident of Village- Mohiuddinpur, P.S.- Warisnagar, Distt.- Samastipur
3. Sudama Devi, Wife of Kisunder Paswan Resident of Village- Mohiuddinpur, P.S.- Warisnagar, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s: Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 30-04-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with Warisnagar P.S. Case No. 210 of 2024 instituted for the offences under Sections 103(1) and 3(5) of Bhartiya Nyay Sanhita.

3. The prosecution case in short is to the effect that the husband of the informant along with son was standing outside the house and it is alleged that the petitioner namely Kavita Devi started abusing and subsequently all the named accused persons started assaulting the husband of the informant and also it is alleged that the petitioners had hit the husband of the informant on his chest and subsequently gave a blow by her leg on the private



part of the deceased.

4. It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case and from bare perusal of the FIR it is clear that there is no intention on the side of the petitioners and others to cause the death of the husband of the informant. It is further submitted by learned counsel for the petitioners that the occurrence took place on the spur of the moment and the post-mortem report does not narrate about the ante-mortem injuries received by the husband of the informant. However, the viscera report has not yet been submitted by the Forensic Science Laboratory. It is also submitted by learned counsel for the petitioners that the police has submitted the charge-sheet and the petitioners have clean antecedent and they are in custody since 17.09.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has submitted that there is specific allegation upon the petitioner no. 1 to give a blow on the private part of the husband of the informant causing his death as such they should not be granted liberty of bail.

6. Considering the aforesaid submissions of respective counsels and taking into account the fact that there are no repeated



blow given to the informant and no ante-mortem injuries being found in the post-mortem report as also the fact that the petitioners are in custody since 17.09.2024, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S. Case No. 210 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners shall remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners shall be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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