

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3039 of 2026

Arising Out of PS. Case No.-104 Year-2025 Thana- Amhara District- Lakhisarai

1. Punni Devi @ Punam Devi W/o Pappu Mandal @ Pappu Kumar R/o Village- Bhenaura, Janakpur, Ward No.- 14, P.O- Dihra, P.S- Amahra, Distt.- Lakhisarai.
2. Ajay Mahto @ Ajay Mandal S/O Prabhu Mandal R/O Village- Bhenaura, Janakpur, Ward No.- 14, P.O- Dihra, P.S- Amahra, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Sushmita Mishra, Advocate.
For the Opposite Party/s : Mr.Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-05-2026 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Amahra P.S. Case No. 104 of 2025 registered for the offence punishable under Sections 103 and 3(5) of the BNS.

3. Allegation is of committing murder of the sister of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent. Petitioner no. 1 was the one who had taken the deceased to the hospital after her health condition deteriorated, as the deceased was suffering from various health ailments. Learned counsel further



submitted that petitioner no. 1 has been implicated merely because she was residing with the deceased being her *gotni*. It is further submitted that the deceased herself had consumed poison, and it has come in the case diary that, as per the viscera report, the death was caused due to consumption of sulphas, commercially known as “grain preservative sulphas,” which is a highly poisonous substance. In such circumstances, the possibility of suicide cannot be ruled out. On the aforesaid grounds, learned counsel submits that the petitioners deserve to be enlarged on pre-arrest bail.

5. *Per contra*, learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submitted that the materials collected in course of investigation by the Investigating Officer shows that the deceased was subjected to ill-treatment by petitioner no. 1. Although the deceased was suffering from several ailments, the complicity of petitioner no.1 in administering sulphas poison to the deceased cannot be ruled out.

6. Heard the parties.

7. The Apex Court in *Manno Lal Jaiswal Vs the State of Uttar Pradesh & Anr (Criminal Appeal No. 97 of 2022)* has observed that while granting bail, the relevant



considerations are (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering.

8. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R. against petitioner no.2 who is the father-in-law of the deceased, the allegation levelled against him is general and omnibus and only minuscule evidence has been collected against him in course of investigation, I am of the opinion that in course of trial, there is every likelihood that petitioner no.2 can be acquitted.

9. The petitioner no.2 Ajay Mahto, who is father-in-law of the deceased, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Lakhisarai in connection with Amahra P.S. Case No. 104 of 2025, subject to the condition as laid down under Section 438(2) Cr.P.C /



482(2) BNSS.

10. So far as petitioner no.1 Punni Devi @ Punam Devi is concerned, there is direct allegation against her and the materials collected in course of investigation also supports the prosecution story, I am not inclined to enlarge her on pre-arrest bail.

11. The District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

12. The bail application stands disposed of.

(Purnendu Singh, J)

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