

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4248 of 2026

Arising Out of PS. Case No.-73 Year-2017 Thana- GARKHA District- Saran

Deji Devi @ Deni Devi W/o Rajnikant Singh, Resident of Village-
Mohamadpur, P.S.- Garkha, District- Saran (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with B.P. No. 2240 of 2025, arising out of Garkha P.S. Case No. 73 of 2017 dated 27.02.2017, registered for the offences punishable under Section 302 read with Section 34 of the B.N.S., 2023.

3. As per the prosecution case, petitioner and other co-accused persons assaulted the husband of the informant with *lathi* and bricks, who became unconscious. When the husband of the informant was taken to Primary Health Centre, he was declared dead.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. The husband of the informant did not die due to



assault by the petitioner or her co-accused family members. The husband of the petitioner faced trial and the learned Trial Court disbelieved the story of the prosecution about death being caused by the assault of petitioner and others and did not convict the co-accused husband of the petitioner under Section 302 of the IPC. Rather, he was convicted under Section 323 of the IPC. Learned counsel further submits that though the occurrence took place in the year 2017 and the petitioner being a lady and no other person to look after the household after her husband was taken to custody on 26.03.2017, being unaware of the proceeding, she did not surrender. There is no specific allegation of assault against this petitioner and allegations are general and omnibus. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 26.11.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner and submits that petitioner has been named in the FIR along with other co-accused persons for assaulting the husband of the informant who succumbed to his injury.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the conviction of the husband of the petitioner only under Section 323



of the IPC and also considering the fact that the petitioner is a lady and further considering her period of custody and submission of chargesheet, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra / concerned Court, in connection with **Garkha P.S. Case No. 73 of 2017**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

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

(ii) The petitioner will 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 three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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