

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20586 of 2026

Arising Out of PS. Case No.-88 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Gauri Sah S/o- Late Dhodha Sah Resident of Vill- Rampur Khajuria, P.S.-
Dumariyaghat, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner has prayed for bail in connection with Dumariyaghat P.S. Case No. 88 of 2022 registered for the offence punishable under Sections 363, 365 of the Indian Penal Code however, the police has found the occurrence to be true Under Sections 364, 302, 120B of the Indian Penal Code.

3. The case of the prosecution, in short, is that the minor son of the informant has gone to attend the feast at the house of one Kumod Mishra. When he did not return after a considerable time, he was being searched. The informant suspects that his son has been kidnapped by the unknown miscreants.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the dead body of the deceased was found in a sugarcane field and that the name of this petitioner has surfaced in this case in the later part of the investigation where police has recorded restatement of the informant. He also submits that from perusal of the order of the learned trial court, it will transpire that the name of the petitioner has surfaced in this case from para-78 of the case diary, where police recorded the restatement of the informant, where he has raised suspicion on many persons, including the petitioner. He further submits that from perusal of the FIR, it is clear that the informant is not the eyewitness and save and except suspicion, there is nothing against the petitioner. The informant has raised suspicion against ten persons, whereas the cause of death was reserved and the viscera was preserved. This goes to show that the doctor conducting the *autopsy* also had suspicion that it may be the case of poisoning. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 09.01.2026.

5. The application for bail is opposed by learned APP



for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 88 of 2022.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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