

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35513 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- PARAIYA District- Gaya

-
-
1. Raj Kumari Devi Widow of Late Ram Jatan Yadav Resident of Village - Khiri, P.s.- Paraiya, District -Gaya
 2. Nilam Devi Wife of Akhilesh yadav Resident of Village - Khiri, P.s.- Paraiya, District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

2 25-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Paraiya P.S. Case No. 77 of 2026, registered under Sections 126(2), 115(2), 118(1), 103, 3(5) of the B.N.S., 2023.

3. As per the prosecution case, 17 persons including the petitioners are said to have killed the son of the informant by dashing him with a Scorpio vehicle bearing Registration No. BR O2 PA 4805.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is further submitted that the said vehicle belongs to the son of the petitioner No. 1, who is also the husband of the petitioner No. 2. Learned counsel submits that the F.I.R. itself



discloses that the cause of occurrence was a land dispute. The petitioners have a clean antecedent and have been in custody since 16.03.2026.

5. Learned APP for the State, as well as the learned counsel for the informant, have vehemently opposed the prayer for bail. It is submitted on behalf of the informant that the deceased was a B.D.O. and was killed in a most brutal manner, having sustained 33 injuries. All the accused persons allegedly assaulted the son of the informant with pasuli, rod and lathi, and thereafter he was crushed by the Scorpio. It is further submitted that the nature and extent of the injuries would show that a large number of persons participated in the assault, and that merely because the petitioners are female, they cannot be extended the benefit of bail.

6. This Court has considered the submissions advanced by both sides. The allegations have been made against 17 persons, most of whom are male members. There is admittedly a dispute with regard to land. The F.I.R. does not attribute any specific overt act to the petitioners. The petitioners are ladies. It is true that they could be held liable on the basis of Section 3(5) of the B.N.S., 2023, which corresponds to the principle of common intention, or on the basis of constructive



liability arising from participation in an unlawful assembly. However, the question of whether the petitioners shared a common intention or were active participants in the unlawful assembly is a matter that cannot be conclusively determined at the stage of bail and must necessarily await trial, where evidence will be led and witnesses will be examined and cross-examined. The gravity of the offence is not lost sight of. That said, at this stage, this Court finds it sufficient to note that the petitioners are ladies with no criminal antecedent and that no specific overt act has been attributed to them in the F.I.R. Thus, this application is allowed.

7. Accordingly, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya/concerned court below in connection with Paraiya P.S. Case No. 77 of 2026.

8. It is made clear that any observation made herein is prima facie in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any



manner.

(Ansul, J)

Ranjeet/-

U		T	
---	--	---	--

