

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40193 of 2026

Arising Out of PS. Case No.-775 Year-2025 Thana- MASAUDHI District- Patna

1. Mainamati Devi W/O Sudama Prasad R/O Village- Jagpura Bigha, PS- Masaurhi, Distt- Nawada
2. Gyanti Kuamri D/O Sudama Prasad R/O Village- Jagpura Bigha, PS- Masaurhi, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-07-2026 Heard learned Senior Counsel for the petitioners and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioners who are in custody in connection with Sessions Case No.520 of 2026, arising out of Masaurhi P.S. Case No. 775 of 2025, lodged on 27/09/2025, under Sections 103(1), 238, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution, the informant alleged that when she went local bazaar then it was intimated on mobile



phone that his son died, when she reached at home she saw that his son was hanging from fan and with the help of villagers she went to hospital and doctor has declared him dead. On the basis of suspicion, the names of three persons including the present petitioners have been mentioned in the FIR.

4. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the criminal antecedent of the petitioners are not clean, there is one criminal case pending against them in which they are on bail. Counsel submits that they are in custody since 08/01/2026. Counsel submits that from the content of the FIR it is crystal clear that the death has been taken place by hanging. Counsel submits that the petitioners and informant are *agnates* and resident of the same village. Land dispute was going on between the parties. Counsel submits that on the previous occasion the case diary was called for and in the case diary post mortem report has been attached. In paragraph-86 in which the cause of death has been shown as asphyxia. Counsel further submits that it has also come in the case diary that the theft took place and allegation has come against the deceased due to which the family members went with the deceased in the temple for taking oath and due to this awkward situation which



has arisen the sensitive son of the informant has committed suicide by hanging from fan. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioners and submits that the suspicion is there, it has also come that they are *Gotia* and dispute took place in the family due to theft except that there is no material has come in the case diary.

6. In the present facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Additional Sessions Judge – II, Masaurhi, Patna, in connection with Sessions Case No.520 of 2026, arising out of Masaurhi P.S. Case No. 775 of 2025 subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

(Dr. Anshuman, J)

Mkr./Anshuman/

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