

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64203 of 2025

Arising Out of PS. Case No.-305 Year-2025 Thana- SONEPUR District- Saran

Chanda Devi W/o Vinod Ray @ Vinod Kumar Ray Resident of Village- Sabalpur Chaharam, P.S.- Sonepur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 64599 of 2025

Arising Out of PS. Case No.-305 Year-2025 Thana- SONEPUR District- Saran

Shinodh Ray S/O Late Chandrika Ray Resident of Village- Sabalpur Chaharam, P.S.- Sonepur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 64203 of 2025)
For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Bharat Bhushan
(In CRIMINAL MISCELLANEOUS No. 64599 of 2025)
For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 01-05-2026 **Cr. Misc. No.64203 of 2025**

1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 191(2),



191(3), 190, 126(2), 115(2), 109, 118(2), 303(2), 352, 351(2), 351(3), 61(2), 3(5) of the B.N.S.,2023 and Section 103(1) BNS has been added later on and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and the informant alleges that on 02.04.2025 at 09:00 AM, the accused persons came and Vijay Kumar, Binod Ray and petitioner started assaulting, on alarm Vakeel Sharma, Sangeeta Sharma and Radha came to save him when twelve named accused persons reached the place of occurrence and started assaulting him, thereafter Vinod Ray started assaulting him by spade causing injury on right hand, further also assaulted Vakeel Sharma by lathi and he fell, thereafter petitioner assaulted Vakeel Sharma indiscriminately by sword causing injury on head, right hand and waist.

4. Learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the FIR it would manifest that informant alleges that the accused persons including the petitioner came and assaulted him and Vakeel Sharma and when Vakeel Sharma fell, the petitioner assaulted him indiscriminately by sword causing injury on right hand, head and waist. It is further submitted that injured Vakeel



Sharma was taken to hospital, where he was admitted on 02.04.2025 and thereafter was discharged on 07.04.2025 but after discharge, it appears that his health deteriorated as such he was again admitted in the hospital and subsequently he died after one month of the occurrence, it is thus submitted that it cannot be presumed that assault was the proximate cause of death. It is also submitted that postmortem report of Vakeel Sharma records cause of death as asphyxia resulting from heart disease and its complications. It is further submitted that postmortem report does not even remotely suggest that any external injuries were found on the body of Vakeel Sharma.

5. Learned A.P.P. and the learned counsel appearing on behalf of the informant are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that cause of death of Vakeel Sharma as recorded in the postmortem report is asphyxia resulting from heart disease and its complications and the postmortem report does not record external injury.

6. Learned counsel appearing on behalf of the informant next submits that process under section 82 Cr.P.C. has been issued against the petitioner. The learned APP also after perusing the case diary submits that from perusal of the



supplementary case diary, it would manifest that the police obtained process under section 82 Cr.P.C. on 06.08.2025 but then it is submitted that from perusal of the case diary it does not appear that process under section 83 Cr.P.C. has been sought by the police. It is also submitted that process under section 82 Cr.P.C. received by the I.O. on 06.08.2025 till 13.10.2025 was not executed. The learned APP thus submits that based on the said submission, the court had directed the Superintendent of Police to file supplementary counter affidavit, based on which, instruction has been received wherein it is recorded that appropriate action against the I.O. shall be taken if he is found guilty of committing dereliction of duty.

7. Learned counsel appearing on behalf of the petitioner submits that it absolutely does not stand to reason that as to what necessitated the police seeking process under section 82 Cr.P.C. when she never received any bailable warrant or non-bailable warrant nor there is any service report on the record, it is thus submitted that in mechanical manner process under section 82 Cr.P.C. is being issued, without appreciating the facts of the case in its correct perspective. It is also submitted that no doubt the petitioner being woman is alleged to have assaulted Vakeel Sharma indiscriminately by sword causing injury after



he fell but then the said allegation gets belied by the postmortem report but still the police was in a hurry. It is further submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove her innocence.

8. After hearing the learned counsel for the parties, the petitioner, above-named, in the event of her arrest or surrender within a period of six weeks, is directed to be released on anticipatory bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chhapra in connection with Sonapur P. S. Case No.305 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Cr. Misc. No.64599 of 2025

1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 118(2), 303(2), 352, 351(2), 351(3), 61(2), 3(5) of the B.N.S., 2023 and Section 103(1) BNS



has been added later on and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent. It is further submitted that Chanda Devi had approached this Court seeking anticipatory bail by filing Cr. Misc. No.64203 of 2025 and the same came to be allowed by an order dated 01.05.2026 after considering the case on merits and in detail. It is also submitted that though in the FIR Chanda Devi is alleged to have assaulted Vakeel Sharma indiscriminately by sword leading to his death but as far as this petitioner is concerned, no specific allegation of assault is alleged against him. It is further submitted that Chanda Devi was granted the privilege of anticipatory bail on the ground that the postmortem report belied the allegation of assault as alleged in the FIR. It is also submitted that the case of the petitioner is on a better footing.

4. Learned A.P.P. and the learned counsel appearing on behalf of the informant are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Chanda Devi has been granted the privilege of anticipatory bail after considering the case on merits and in detail.

5. After hearing the learned counsel for the parties, the



petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, is directed to be released on anticipatory bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chhapra in connection with Sonapur P. S. Case No.305 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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