

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70238 of 2025**

Arising Out of PS. Case No.-423 Year-2024 Thana- BAHERA District- Darbhanga

1. Sarita Devi @ Sarita Kumari, aged about 39 years, Female, wife of Shiv Kumar Paswan
2. Shiv Kumar Paswan, Aged about 27 years, Male, son of Aklu Paswan
3. Rajesh Paswan, Aged about 33 years, Male, son of Aklu Paswan  
All resident Of Village- Havibhaur, Police Station- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Prabhat Kumar Singh, Advocate |
| For the Informant    | : | Mr. Manoj Kumar Pandey, Advocate  |
| For the State        | : | Mr. Ajit Kumar, A.P.P.            |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      24-02-2026                      Heard Mr. Prabhat Kumar Singh, learned counsel appearing on behalf of the petitioners; Mr. Manoj Kumar Pandey, learned counsel appearing on behalf of the informant and Mr. Ajit Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bahera P.S. Case No. 423 of 2024, registered for the offence punishable under Sections 80, 238 and 3(5) of the BNS.

3. As per the allegation made in the FIR, petitioners, who are *gotani*, *dewar* and *Bhaisur* of the deceased respectively, along with other accused persons, had allegedly killed the niece of the informant due to non fulfillment of demand of dowry of



rupees fifty thousand.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Petitioners are *gotani*, *dewar* and *Bhaisur* of the deceased respectively. He further submitted that from perusal of the FIR, as well as, the material, which has surfaced in course of investigation, it appears that the deceased was having illicit relationship with another man, namely, Manish Kumar, which is supported by several photographs. Such information is contained in paragraphs no. 39 and 42 of the case diary. No material has been collected in course of investigation against the petitioners. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant and learned APP for the State have vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the material, which has surfaced in course of investigation, I find that there is no direct allegation against the petitioners in the FIR that they are the one, who have



committed murder of the niece of the informant, rather, in paragraphs no. 39 and 42 of the case diary, the story gives the different angle. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Bahera P.S. Case No. 423 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

**8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Niraj/-

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