IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76593 of 2026

CNR No. BRHC011093662026

Arising Out of PS. Case No.-36 Year-2026 Thana- CHAUTHAM District- Khagaria

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1. Sukho Sada @ Sukho Devi Son of Rajjan Sada Resident of Village- Shivpur Ward No. 08, Post Office Parariya, Police Station Kashnagar, District- Saharsa.
2. Nira Devi Wife of Pawan Mahto @ Pawan Kumar Resident of Village- Shivpur Ward No. 11, Post Office Parariya, Police Station Kashnagar, District- Saharsa.
3. Manoj Kumar Mahto @ Manoj Kumar Mehta Son of Baidhnath Mahto @ Vaidhnath Mahato Resident of Village- Shivpur Ward No. 09, Post Office Parariya, Police Station Kashnagar, District- Saharsa
4. Nibha Devi Wife of Pintu Choudhary Resident of Village- Shivpur Ward No. 09, Post Office Parariya, Police Station Kashnagar, District- Saharsa.
5. Puja Kumari Wife of Raju Choudhary Resident of Village- Gwas Panchayat Telihar, Police Station- Beldaur, District- Khagaria.

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Raj Kishor Kumar Son of Shivnandan Prasad Singh Resident of Village- Nirpur, Police Station- Chautham, District- Khagaria.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vivekanand Singh
For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 05-11-2026 **1.** Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 316(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioners submits that

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petitioner nos. 1, 2, 3 and 5 are persons with clean antecedent and petitioner no. 4 has antecedent of one case and petitioner nos. 2, 4 and 5 are women. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant in sum and substance alleges that at the behest of one Sudha Devi, he had given money to the petitioners in their account but then the same was not returned.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that Sudha Devi practices exorcism and she came in contact with the informant, who drives an e-rickshaw. It is further submitted that Sudha Devi asked for an amount of Rs. 35,000/- from the informant and the informant accordingly gave her Rs. 35,000/-, but later Sudha Devi returned that amount, as such informant developed faith in her. It is next submitted that the informant alleges in the FIR that Sudha Devi made him meet her relatives to whom the petitioners paid the amount as detailed in the FIR, but then the petitioners are not related to Sudha Devi rather are co-villagers. It is further submitted that since Sudha Devi was practising exorcism, as such whenever she said some thing to the villagers, the same happened, hence the villagers also developed faith in

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her. It is also submitted that Sudha Devi asked the informant to credit the amount as recorded in the FIR in the account of the petitioners and prior to that she had told the petitioners that fortune will come their way in their account but if such fortune comes, in that event, the same should be handed over to her for construction of the temple, which she was intending to construct, as such at the behest of Sudha Devi, informant without knowing the petitioners credited the amount in their account as furnished by Sudha Devi and the petitioners gave the said amount to Sudha Devi who fled from the village after collecting the amount. It is next submitted that submissions have been made based on the material which transpired during the course of investigation and stands recorded in the case diary. In the alternative, it is submitted that even presuming what has been alleged is true without admitting then the dispute is civil in nature and if the informant was aggrieved that petitioners did not return the amount in that event he ought to have approached a court of competent civil jurisdiction where petitioners could have appeared and rebutted the claim but then the instant criminal case came to be instituted with an intent to coerce the petitioners into submission so that they part with fanciful demand of the informant under fear of arrest.

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5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chautham P.S. Case No. 36 of 2026, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

Sumit/-

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