IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77559 of 2026

CNR No. BRHC011112632026

Arising Out of PS. Case No.-238 Year-2026 Thana- ISUAPUR District- Saran

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Gayatri Devi, Wife of Ashok Giri Resident of Village- Achitpur Nat Toli, P.S.- Isuapur, District- Saran, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Noumaan Ahmad, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner seeks bail in connection with Isuspur P.S. Case No. 238 of 2026 dated 20.06.2026 registered for the offences punishable under Sections 103(1), 61(2) and 3(5) of the B.N.S. Act along with Section 27 of the Arms Act.

3. As per the prosecution case, the informant has alleged that he has three sons from his first wife, namely, Gayatri Devi (petitioner) and he had performed a second marriage. When his second wife was pregnant, all the accused persons including the petitioner, conspired together to kill the second wife of the informant because of the property dispute. It has been alleged that on account of such dispute between the

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first wife and second wife, the accused persons including the petitioner instigated the son of the informant who shot dead the second wife of the informant and fled.

4. Learned counsel for the petitioner submits that the petitioner happens to be the first wife of the informant and has falsely been implicated merely because her son is alleged to have fired upon the second wife of the informant (deceased). It has further been pointed out that from the perusal of the F.I.R., it would be evident that the specific allegation of firing is against the co-accused, Mannu Giri who is said to have shot upon the second wife of the informant. Barring a bald statement that the petitioner was in conspiracy with her son, there is nothing against the petitioner. It has been pointed out that the petitioner has clean antecedent and she is languishing in jail since 21.06.2026. It has further been pointed out by the learned counsel for the petitioner that similarly situated co-accused, who is also said to have been in conspiracy, namely, Alaka Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 28.10.2026 passed in Cr. Misc. No. 75837 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties

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and considering the facts and circumstances, especially taking into account the fact that the petitioner being a lady, has not been alleged to have fired upon the deceased and also the fact that she carries clean antecedent and the period of custody, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor court in connection with Isuapur P.S. Case No. 238 of 2026, subject to the following terms and conditions :-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of her bail bond.

(v) The trial court shall verify the criminal antecedent

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of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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