

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83930 of 2025

Arising Out of PS. Case No.-290 Year-2025 Thana- MOKAMAH District- Patna

1. Asha Devi Wife of Shyam Sundar Yadav Resident of Village- Modangachhi Ward No. 5, P.S.- Mokama, District- Patna
2. Vikki Kumar @ Vikki Yadav Son of Shyam Sundar Yadav Resident of Village- Modangachhi Ward No. 5, P.S.- Mokama, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandrasen Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Mokama P.S. Case No. 290 of 2025 registered for the alleged offences under Section 108 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and later on Section 103(1) of BNS was substituted in place of Section 108 of BNS.

03. As per prosecution case, the petitioners and other co-accused persons hanged the husband of the informant to death.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in



this case. The petitioner no. 1 is the mother of the deceased and the petitioner no. 2 is the brother of the deceased. The allegation made in the FIR is not believable. True fact of the case is that the husband of the informant committed suicide and a case under Section 108 r/w 3(5) of BNS was instituted on 09.07.2025 but subsequently, on 05.08.2025, Section 103(1) of BNS was substituted in place of Section 108 of BNS. However, the police, after investigation, submitted charge-sheet under Section 108 r/w 3(5) of BNS. Learned counsel further submits that the witnesses examined during investigation have stated about petitioners and other co-accused persons harassing the husband of the informant but none of the witnesses stated anything about the petitioners and other co-accused persons hanging the husband of the informant. Learned counsel further submits that there is no direct or indirect circumstantial available on record on the point of murder of the husband of the informant. Even there was no injury marks on the body as reflected from the postmortem report. The petitioners are in custody since 10.07.2025 and they are having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioners and also considering the period of custody of the petitioners and their clean antecedent along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna/court concerned in connection with Mokama P.S. Case No. 290 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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