

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90247 of 2025

Arising Out of PS. Case No.-170 Year-2025 Thana- WAJIRGANJ District- Gaya

1. Sunita Devi W/O Sri Ashok Paswan Resident of village-Baniyadih, PS -Wazirganj, District- Gayaji.
2. Rakhi Kumari D/o Sri Ashok Paswan R/o village- Baniyadih, P.S. -Wazirganj, District- Gayaji.
3. Sami Devi @ Sami Kumari D/o Sri Ashok Paswan R/o village- Baniyadih, P.S. -Wazirganj, District- Gayaji.
4. Shrawan Kumar S/o Sri Ashok Paswan R/o village- Baniyadih, P.S. -Wazirganj, District- Gayaji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv. Mr. Deepak Kumar, Adv. Ms. Isha Mishra, Adv.
For the Opposite Party/s :		Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Wazirganj P.S. Case No. 170 of 2025 dated 26.03.2025 registered for the offences punishable under Sections 103(1), 61 and 3(5) of the B.N.S.

3. The prosecution case is to the effect that the informant has alleged that the co-accused, Vikram Singh and Chhotu Singh assaulted the husband of the informant and dragged him towards Laxmipur village. It is alleged that



Shrawan Kumar, Jay Kumar and Subhash Kumar were also seen. It is further alleged that the reason behind the occurrence was that on 04.03.2025, the other co-accused persons namely, Sunita Devi, Rakhi Kumari and Sami Devi (petitioners) had assaulted them and threatened them to kill.

4. The learned counsel for the petitioners submits that the petitioners have falsely been implicated merely because there is a long standing land dispute between the parties. It has further been submitted that admittedly, it would appear that the informant has not seen the occurrence and has only raised a suspicion. It has further been submitted that there is no specific allegation of overt act against the petitioner nos. 1 to 3 as far as the incident that is stated to have occurred on 24.03.2025. It has also been submitted that there is no specific allegation of assault against any of the petitioners. Learned counsel for the petitioners has pointed out that during the course of investigation, the son of the informant was examined and from para 13 of his statement, it would appear, the informant had gone to her mother's house along with her son prior to the incident and therefore it has been stated that the informant could not have in all possibility been an eye witness to the alleged occurrence. It has lastly been submitted that the



petitioners have clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and stated that the informant has alleged that the petitioners were involved in killing of her husband.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioners above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, 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 Court below where the case is pending/successor court in connection with Wazirganj P.S. Case No. 170 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

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

(ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedents, the trial court shall take necessary steps for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds 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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