

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.609 of 2026

Arising Out of PS. Case No.-183 Year-2025 Thana- GOPALPUR District- West Champaran

1. Sushila Devi @ Soshila Devi W/O Maksudan Mahto @ Makshudhan Mahato @ Maksud Mahto
2. Maksudan Mahto @ Maksud Mahto @ Makshudhan Mahato S/O Ramdev Mahto
Both are resident of Village-Barkagaon, P.S- Gopalpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bashishtha Narayan Mishra, Advocate Mr.Brij Kishor Mishra, Advocate
For the Informant	:	Mr.Binay Kumar, Advocate Mr.Gaurav Prakash, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-04-2026 Heard Mr. Bashishtha Narayan Mishra along with Mr. Brij Kishore Mishra, learned counsels appearing on behalf of the petitioners; Mr. Binay Kumar along with Mr. Gaurav Prakash, learned counsels for the informant and Mr. Ajit Kumar, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Gopalpur P.S.Case No.183 of 2025, registered for the offences punishable under Sections 103(2) and 3(5) of BNS.

3. As per the allegations made in the FIR, the petitioners, allegedly with an intention to kill, assaulted the



husband of the informant, who succumbed to his injuries while he was being taken to the hospital.

4. Learned counsel appearing on behalf of the petitioners submitted that no external injury is found, as would be evident from the post-mortem report. It is further submitted that the motive behind the alleged assault and commission of murder is not clear from the FIR. Learned counsel further contended that upon perusal of several paragraphs of the case diary, it appears that a *kudal* (spade) belonging to the informant was missing, on account of which the wife of the informant was using abusive and filthy language. In the course of the said altercation, the petitioners allegedly assaulted the husband of the informant, who later died while he was being taken to the hospital. It is thus submitted that, in the absence of any clear motive and the essential ingredients of Section 100 of the BNS, the petitioners deserve to be enlarged on pre-arrest bail.

5. Learned counsel further submitted that interim protection has already been granted to petitioner no.1 (Sushila Devi) vide order dated 28.01.2026 passed in the present case. It is also submitted that petitioner no.1 is a lady having two daughters, and in the absence of any specific allegation against her, she deserves to be granted pre-arrest bail to take care of her



family.

6. Learned counsel appearing on behalf of the informant, as well as, the learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. The learned APP submitted that the law does not warrant any sympathy or leniency towards the accused persons and that the petitioners, having allegedly committed the murder of the informant's husband, do not deserve to be released on pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegations made in the FIR and the case diary, it appears that there was no prior intention or premeditated plan on the part of the petitioners to commit the murder of the husband of the informant, who was 56 years old. I find that in the village for trial issue, the citizens engage in fight and they lose their temper and start using abusive language against each other or they assault each other. I have also perused the grounds and the information contained therein, the petitioners have not given any information nor they have stated that they have faced the trial. I find that from the materials collected during investigation, including statements of independent witnesses and family members that petitioner no.2



(Maksudan Mahto @ Maksud Mahto @ Makshudhan Mahato) had specifically assaulted the husband of the informant, who died while he was being taken to the Hospital, I am not inclined to enlarge petitioner no.2 on pre-arrest bail.

8. So far as petitioner no.1 (Sushila Devi @ Soshila Devi) is concerned, she is a woman and has family responsibilities, including taking care of her children. She has already been granted interim protection. Moreover, only general and omnibus allegations have been made against her and no specific overt act of assault has been attributed to her and the specific allegation of assault is against petitioner no.2, petitioner no.1 deserves to be enlarged on pre-arrest bail. In such circumstances, the petitioner no.1 (Sushila Devi @ Soshila Devi) is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-First Class, Bettiah, District West Champaran/concerned court, in connection with Gopalpur P.S.Case No.183 of 2025, subject to conditions as laid down under Section 482(2) of BNSS of 2023.



9. The learned district court is directed to verify the criminal antecedent of the petitioner no.1 and if it is found that the petitioner no.1 is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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