

In the Court of Principal Sessions Judge, Sheohar, Bihar

BP No.-21/2026

CNR No:-BRSO01-000417-2026

Ref :- Arising out of Tariyani PS Case No.-46/2025, Dated-15.03.2025, U/section-103(1), 3(5) of BNS.

In the matter of :-

1. Dinbandhu Rai, S/o Late Rajmangal Rai, Aged-about 50 years,
2. Bhola Rai, S/o Dinbandhu Rai, Aged-about 24 years, both are R/o village-Rajadeeh, PS-Tariyani, District- Sheohar ----- **Petitioners**

Vrs.

The State of Bihar

----- **Opposite Party**

Learned counsel for the petitioner : Shri Pravin Kumar Singh, Ld. Advocate

: Shri Sanjay Kumar, Ld. Advocate

Learned counsel for the informant : Shri Abhay Kumar Tiwari, Ld. Advocate

: Shri Prashant Kumar, Ld. Advocate

Learned counsel for State : Shri Suresh Roy, Ld. P.P.

17.03.2026:-

ORDER

1. The petitioners above named are in judicial custody since **25.01.2026 and 04.02.2026** in connection with Tariyani PS Case No.-46/2025, Dated-15.03.2025, U/section-103(1), 3(5) of BNS.
2. Heard learned counsel for the petitioners, the state and the informant.
3. The learned counsel for petitioners submitted that petitioners have falsely been implicated in this case. Petitioner no.-1 is in custody since 25.01.2026 and petitioner no.-2 is in custody since 04.02.2026. No offence is made out U/section-103(1) of BNS. The deceased died its natural death. The petitioners had no intention to kill the deceased nor they were possessing any arms and ammunition. No internal or external injury has been found by the doctor in the postmortem report.
4. Learned counsel for the state assisted by the informant submitted that the petitioners are habitual offenders and due to their overt act, the wife of the informant died
5. It is alleged in the FIR that on 14.03.2025, around 6 O'clock at evening, while the informant Bharat Rai was sitting at the door of his house, Dinbandhu Rai (**Petitioner no.-1**), Bhola Rai (**Petitioner no.-2**), came to his door and started abusing him. Both were drunken. When he tried to stop them from abusing they did not stop and started

using unparliamentary language. In the meantime his wife Bachchi Devi, aged about 50 years came outside the house and tried to stop them from abusing, on which both pushed/ thrashed her due to which she fell down and became unconscious and died. On his shouting both fled away.

6. At para-3 of the bail petition it is stated that petitioner no.-1 has five criminal antecedent and petitioner no.-2 has three criminal antecedent.
7. The witnesses at para-13, 14, and 15 are eye witnesses and have supported the prosecution case. At para-29 is the postmortem report wherein it is stated that no internal and external injury has been found and all vital organs were intact. At para-32 of the case diary is report of S.P., Sheohar. It is stated therein that the informant did not take the deceased to any place for treatment. This case does not prima facie appears to be of murder rather culpable homicide not amounting to murder. Thus the allegation appears to be true U/section-105/3(5) of BNS. At para-47 it is stated that the parties had no prior enmity. At para-52 of the case diary the criminal antecedent of the petitioners are mentioned. The petitioner no.-1 is involved in three cases and petitioner no.-2 is involved in one case. At para-58 of the case diary the witnesses has stated that there was no prior enmity between the informant and the petitioner.
8. From the above discussed facts it is apparent that the petitioner had no pre plan to kill the deceased nor was possessing any arms. However, considering the nature of allegation and the criminal antecedent of the petitioners, I am not inclined to admit the petitioners to regular bail at this stage and as such the prayer for bail stands **rejected**. However, the petitioners shall be at liberty to renew their prayer for regular bail after **framing of charge**.

(Dictated)

Sd/-
Principal Sessions Judge,
Sheohar
17.03.2026