

In the court of Ist Addl. Sessions Judge, Sheikhpura.
Presiding Officer: Sri Neeraj Kishore
Anticipatory Bail Petition No. 211/2026
Rekha Devi @ Sushila Devi and Others Vs. State of Bihar

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Presiding Officer: Sri Neeraj Kishore
Anticipatory Bail Petition No. 211/2026
Rekha Devi @ Sushila Devi and Others Vs. State of Bihar
Arising out of Hathiyawan P.S. Case No. 21/2026
U/s – 126(2), 117(2), 351(2), 3(5) of BNS and 3/4 of Prevention of Witch
(Daain) Practices Act, 1999.

1. **Rekha Devi @ Sushila devi, aged about 38 years**
W/o Uday Chaudhary
2. **Bipin Kumar, aged about 19 years**
S/o Uday Chaudhary
3. **Uday Chaudhary, aged about 43 years**
S/o Sitaram Chaudhary
All R/o Vill. – Bihta
P.S – Hathiyawan
Dist.- Sheikhpura

..... **Petitioners**

Vs.

State of Bihar

..... **O.P**

Counsel for the petitioners ----- Sri Awadhesh Kumar Jha, Ld. Advocate
Counsel for the State ----- Sri. Shambhu Saran Prasad, Ld. Addl. P.P

ORDER

15.05.2026 Anticipatory Bail petition dated 10.04.2026, filed on behalf of the accused/ petitioners 1. Rekha Devi @ Sushila devi, 2. Bipin Kumar and 3. Uday Chaudhary who apprehend their arrest in connection with Hathiyawan P.S. Case No. 21/2026, under Sections- 126(2), 117(2), 351(2), 3(5) of BNS and 3/4 of Prevention of Witch (Daain) Practices Act, 1999 pressed today.

Pressing the bail petition, learned counsel for the petitioners has submitted that no bail petition either regular or anticipatory has been filed or is pending on behalf of the petitioners either before this Sessions Division or before the Hon'ble High Court and the

Hathiyawan P.S. Case No. 21/2026 Dated- 15.05.2026 Addl. S.J.Ist, Sheikhpura

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petitioners have no criminal antecedent. It has been further submitted that the petitioners are quite innocent and have committed no offence and have been falsely implicated in this case. It has been submitted that the occurrence took place on 18.03.2026, but the FIR was lodged on 20.03.2026 and the delay in lodging FIR has not been explained. It has been submitted that the informant was treated by village doctor which shows that the informant did not sustain any major injury. It has also been submitted that the petitioners and the informant are own family members and Sec. 3/4 of Witch (Daain) Practices Act, 1999 has been roped to make the offence graver. Learned counsel has sought to enlarge the petitioners on the privilege of anticipatory bail.

On the other hand, learned Addl. P.P. has opposed the petition for bail.

Case diary has been received.

I have heard the submissions and gone through the materials available on the record, it transpires that no other bail petition of any nature is pending on behalf of the petitioners, either before this Sessions Division or before the Hon'ble High Court and petitioners do not have any criminal antecedent as revealed from Para 19 of the case diary. It transpires that the instant FIR has been instituted at the instance of informant Runjhun Devi alleging therein that on 18.03.2026 at about 06:00 AM she was going to meet nature's call when accused Rekha Devi @ Shushila Devi and Bipin Kumar surrounded her and assaulted her by fat, fist and belna. On hulla made by her, her elder brother-in-law Uday Chaudhary did not save her rather supported the accused. It is alleged that her father-in-law saved her. It is alleged that while assaulting her sister-in-law Shushila Devi assaulted her at her abdomen by leg causing sickneess to her. It is alleged that the son of her elder sister-in-law died in a motorcycle accident for which accused stated to have committed daain to her son leading to his death.

Perusal of the case diary shows that the informant has supported her case in her restatement at Para 2 and the witnesses at Para 3 and 6 have also supported the prosecution case. It appears that the informant sustained bruise measuring 3cm x 3cm on left hip, dark blue in color. The injury was found simple in nature. Para 20 of the case diary shows that the petitioners were granted benefit u/s 35(3) of BNSS and were released on furnishing bonds. It transpires that the FIR has been lodged u/s 126(2), 117(2), 351(2), 3(5) of BNS

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and 3/4 of Prevention of Witch (Daain) Practices Act, 1999 and the maximum punishment prescribed for the alleged offences are less than seven years. The case at hand is fully covered by the judgment titled as Arnesh Kumar Vs State of Bihar, (2022)10 SCC 51 titled as Satyendra Kumar Antil Vs CBI and (2023) live law(SC)583 titled as Asfak Alam Vs State of Jharkhand.

Under these circumstances considering the nature of offence and its gravity as well as the general and omnibus allegations against the petitioners, I deem it fit and proper to enlarge the petitioners 1. Rekha Devi @ Sushila devi, 2. Bipin Kumar and 3. Uday Chaudhary on the privilege of anticipatory bail in the event of their arrest or surrender before the Id. Trial Court within four weeks from the date of passing of this order on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount subject to the satisfaction of the Id. Trial Court.

The instant anticipatory bail petition dated 10.04.2026 stands **allowed**.

Let a copy of this order be transmitted to the Id. Trial Court forthwith.

Dictated

(Neeraj Kishore)
Addl. Sessions Judge- 1st
Sheikhpura

Date of Judgment /Order	15.05.2026
Date of Reserving Judgment/Order	15.05.2026
Uploading date	16.05.2026
Uploaded by	Md. Reyazul Haque