

In the court of District & Addl. Sessions Judge 1st, Bagaha, West Champaran.

Anticipatory Bail Petition No.-182/2026

Registration No.-182/2026

(Arising out of Bagaha P.S. Case No.45/2026)

**1.Narmada Devi @ Narvada Devi, aged about 25 years, w/o.-Sanjay Kushwaha;
2.Gyanti Devi, aged about 71 years, w/o.-Banarasi Kushwaha;
Both r/o. Village-Dindayal Nagar, Ward No.27, Bagaha, P.S.-Bagaha, District-West
Champaran.....Petitioners**

vs

State of Bihar.....Opposite Party

ORDER

01.04.2026

Petitioners, namely (1) Narmada Devi@ Narvada Devi and (2) Gyanti Devi, apprehend their arrest in connection with Bagaha P.S. Case No. 45/2026, registered under Sections 103, 191(2), 190, 126(2), 115(2), 109, 74, 303(2), 351(2), and 352 of the Bharatiya Nyaya Sanhita, pending before the Court of A.C.J.M.-I, Bagaha. They have filed the present anticipatory bail petition, which has been pressed today. A copy of the same has been served upon the learned Public Prosecutor. The case diary is available on record.

Heard Sri Kamran Aziz, learned counsel appearing on behalf of the petitioners, and Sri Prabhu Prasad, learned P.P. In-charge for the State.

The prosecution case, in brief, as narrated in the written application of the informant, Devanti Devi, is that on 08.02.2026 at about 03:00 p.m., the accused persons named in the FIR, who are also her agnates, came to her house armed with iron rods, lohband, and other weapons in connection with previous enmity. They started abusing the informant and her family members and threatened to kill them. When the informant forbade them, Banarasi Kushwaha instigated others, whereupon Sanjay Kushwaha caught her hair, thrashed her on the ground, and all the accused persons assaulted her with fists and kicks. It is further alleged that Jalandhar Kushwaha assaulted her with a spade with the intention to kill, and Sanjay Kushwaha struck her face with a *katta* (sharp metal cutting object), causing injuries. Sanjay Kushwaha also snatched her gold *mangalsutra* worth Rs. 15,000/-. Jalandhar Kushwaha allegedly tore her garment with ill intention and pressed her neck to kill her.

It is further alleged that when her husband, Dhruv Kushwaha, and son, Vivek Kushwaha, came to rescue her, the accused persons assaulted them with iron rods and other weapons. Sanjay Kushwaha allegedly struck Dhruv Kushwaha on the head with a

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spade, causing severe injury. It is further alleged that Sanjay Kushwaha's wife and Banarasi Kushwaha's wife caught hold of Vivek Kushwaha, and Jalandhar Kushwaha assaulted him on the head with an iron rod, causing injury. On hearing the hue and cry, local people gathered, and the accused fled after threatening to kill the informant and her family. The injured were taken to Bagaha Sub-Divisional Hospital and later referred to District Hospital, Bettiah, where Dhruv Kushwaha succumbed to his injuries during treatment.

On behalf of the petitioners, it has been submitted that they are innocent and have been falsely implicated due to previous enmity, as admitted in the FIR. There is case and counter-case between the parties. Petitioners are ladies with no criminal antecedents. It is further submitted that petitioner Gyanti Devi was attending a marriage ceremony at Bagicha Restaurant, Bettiah, along with her husband at the time of occurrence, which is corroborated by videos recorded by relatives. She is also suffering from several ailments and is unable to move freely. The only allegation against the petitioners is that they caught hold of the informant's son, Vivek Kushwaha, while Jalandhar Kushwaha assaulted him. There is no allegation that the petitioners assaulted the deceased or instigated others to do so. Hence, they seek the privilege of anticipatory bail.

On the other hand, the learned P.P. has vehemently opposed the prayer, submitting that the petitioners, along with other co-accused, armed with deadly weapons, assaulted the informant and her family members. The allegation against the petitioners is that they caught hold of Vivek Kushwaha, who sustained head injury. Dhruv Kushwaha, husband of the informant, died due to head injury inflicted by Sanjay Kushwaha. In view of the nature and gravity of offence, the petitioners do not deserve bail.

Having heard the parties and perused the case diary, it transpires that there is previous enmity between the parties, as admitted in the FIR, and there exists case and counter-case. The only allegation against the petitioners is that they caught hold of the informant's son, Vivek Kushwaha, who is not the deceased. The petitioners are women and family members of the other accused persons, and there is no allegation that petitioners assaulted the deceased; rather, the allegation is that another accused, namely Sanjay Kushwaha, assaulted the informant's husband, causing head injury. Petitioner No.

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1 is a 25-year-old lady, and Petitioner No. 2 is a 71-year-old lady, both having clean antecedents.

Considering the facts and circumstances of the case and the materials available on record, it is directed that in the event of arrest or surrender before the learned court below within one month from the date of receipt/production of a copy of this order, the petitioners namely (1) Narmada Devi@ Narvada Devi and (2) Gyanti Devi shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of the learned court below, subject to the conditions laid down under Section 438(2) Cr.P.C., with the further condition that one of the bailors shall be a close relative of the petitioners.

(Dictated & corrected)

(Manish Dwivedi)
District & Addl. Sessions Judge 1st

Date of order	01.04.2026
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