

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5787 of 2025

Arising Out of PS. Case No.-397 Year-2020 Thana- NAGAR District- Vaishali

Babita Devi W/o- Rajaballabh Singh @ Rajballabh Singh, R/o Village-
Minapur, Kharadi Tola, W. No-33, PS- Hajipur Town, Dist- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323 and 307 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and is a woman and has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has alleged that while her husband was returning back from Hajipur market, then he was intercepted by twenty named accused persons, who assaulted him leading to his death. It is further submitted that



from perusal of the allegation as alleged in the FIR, it would manifest that petitioner is not named in the FIR, rather one Kavita Kumari, daughter of Rajballabh Singh has been named. It is next submitted that during the course of investigation also, the name of the petitioner did not transpire and the police submitted chargesheet against the accused persons including Kavita Kumari, daughter of Rajballabh Singh. It is further submitted that in September, 2024 the police came to the house of the petitioner with a view to arrest her on the ground that Kavita was not an accused, rather it was this petitioner, who was an accused being wife of Rajballabh.

4. The learned counsel appearing on behalf of the petitioner fairly submits that Rajballabh does not have a daughter by the name Kavita and the instant petitioner is his wife, but then the informant despite being aware of the identity of the petitioner did not name her in the FIR. It is next submitted that several of the co-accused have been granted the privilege of anticipatory bail and regular bail as would manifest from Annexure-P3 series to the anticipatory bail application. It is further submitted that petitioner will not abscond, rather will cooperate in the investigation to prove her innocence.

5. Learned Additional Public Prosecutor for the



State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned trial Court, where the case is pending / successor Court, in connection with **Hajipur Nagar P.S. Case No. 397 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that if the investigating officer of the case files an application before the learned trial Court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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