

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7042 of 2025

Arising Out of PS. Case No.-322 Year-2023 Thana- BAIRIYA District- West Champaran

Prabhawati Devi @ Patasiya Devi W/o Heera Sah, Resident of Village-
Mansha Dubey Patakhauri, Ward No-04, P.S.- Bairiya, Dist.- West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Bairiya P.S. Case No. 322 of 2023, dated 07.11.2023, in a case registered for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the minor daughter of the informant was kidnapped by one Tuntun Sah, who had solemnized marriage with her. It is further alleged that Tuntun Sah and other co-accused persons had killed informant's daughter and disappeared her dead body.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. There is delay of 14 days in lodging of the FIR in the present case without providing any explanation for the said delay. The petitioner is the mother-in-law of the deceased and she does not reside with Tuntun Sah and the deceased, rather she lives at the house of her other son namely, Jhunna Sah and she has nothing to do with the alleged occurrence. There is no specific allegation of any assault or overt act or demand of dowry against the petitioner, rather there is general and omnibus allegation levelled against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of her arrest / surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with **Bairiya P.S. Case No. 322 of 2023**, subject to conditions



as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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