

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16455 of 2025

Arising Out of PS. Case No.-903 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Biran Devi @ Viran Devi @ Veeran Devi, W/O Late Ramchandra Paswan,
R/O Village- Bela Bagrauli, P.S- Bihra, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari, D/O Narayan Paswan, R/O Village- Bela Bagrauli, P.S- Bihra,
Distt.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends her arrest in connection
with Complaint Case No. 903c of 2022, registered for the
offences punishable under Sections 366, 376, 420 and 120B of
the Indian Penal Code.

3. Based upon the complaint petition it is alleged that
the son of the petitioner namely Pravesh Kumar @ Rupesh
Kumar and others forcibly kidnapped the complainant and later
on, brought her at Saharsa and kept in a room after
administering some intoxicated substance. Thereafter she was
brought to Delhi, where she was kept her in a rented room. It is



further alleged that the son of the petitioner has solemnized marriage and subjected to physical relationship. When this fact has been disclosed to the petitioner, she has stated that all of them have accepted the victim as daughter-in-law. There is further allegation against co-accused person, namely Gulshan Kumar, who has also committed rape upon her. On account of the aforesaid physical relationship the victim got pregnant and when the accused persons came to know about this, they started demanding some valuable and two kattah of land.

4. Learned Advocate appearing on behalf of the petitioner contended that the entire case is based on a complaint petition, and from perusal thereof, it is evident that the entire allegation revolves around the son of the petitioner. However, only on account of the petitioner being mother of the co-accused person, her name has been implicated in this case. The entire prosecution case does not find confidence for the reason of delay in lodging of the complaint case, and without there being any substantial materials. It is lastly contended that be that as it may, the petitioner is a lady having fair antecedent and now she undertakes before this Court that she will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that there is



serious allegation that the accused persons in collusion with the petitioner has forcibly solemnized marriage and established physical relationship.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation as levelled against the petitioner, who is none else but said to be mother of the co-accused person, against whom the entire allegation revolves around, let the petitioner above named be released on bail, in the event of her arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa in connection with Complaint Case No. 903 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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