

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13315 of 2025**

Arising Out of PS. Case No.-304 Year-2024 Thana- PARIHAR District- Sitamarhi

Sapna Kumari Wife of Shekhar Kumar Yadav R/O Vill- Nonahi, P.S.- Parihar,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-03-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends her arrest in connection with Parihar P.S. Case No. 304 of 2024 lodged on 05.10.2024, for the offence punishable under Sections 191(1), 121(1), 121(2), 132, 309(4) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023").

3. As per the prosecution, FIR has been lodged against 14 named accused persons including the present petitioner. It has been alleged in the FIR that when police party reached at the



house of the accused person to arrest the accused namely, Anupam Kumar then all accused persons in connivance with each other attacked on the police party and assaulted them brutally as well as one SLR gun has also been snatched from a Constable.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that there is no specific allegation against the present petitioner and she is only a member of the mob. Counsel submits that petitioner is a respectable lady of the locality and she is the elected *mukhiya* holding a prestigious post. Counsel further submits that it is true that one SLR gun has been snatched from one of the Constable, but for snatching of the said SLR gun, another FIR has been lodged bearing Parihar P.S. Case No.305 of 2024 in which only four persons have been made accused, other than the present petitioner. Counsel submits that seizure list of the said case has been attached. Counsel further submits that injury report has also been attached and from the said injury report, it transpires that all injuries were simple in nature. Counsel also submits that petitioner has no criminal antecedent and she is ready to fulfill all the conditions whatsoever shall be imposed upon her.

5. Learned APP for the State opposes the prayer for



bail of the petitioner and submits that it is a case of extreme lawlessness where the petitioner is the *mukhiya*, her husband who was the former *mukhiya* and the persons who are nephew of those *mukhiya* were accused and to save one of the accused, they have attacked on the police party. Counsel further submits that upon perusal of the document, it transpires that for snatching of SLR gun, another case bearing Parihar P.S. Case No.305 of 2024 has been lodged and presently, series of cases coming to the Court in which accused persons have attacked on the police party.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. Liberty is hereby granted to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on her surrender-cum-bail application considering the present case only i.e. Parihar P.S. Case No. 304 of 2024 in which no specific allegation against her save and except she is member of the mob as well as that she is a woman as mentioned in proviso of Clause (ii) of Sub-Section (1) of Section 437 of the Cr.P.C, 1973 equivalent to proviso of Clause (ii) of Sub-Section (1) of Section 480 of



BNSS, 2023, on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case, as mentioned above.

(Dr. Anshuman, J)

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