

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30439 of 2025

Arising Out of PS. Case No.-395 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rubi Devi W/O Lal Bihari Sahani Resident of Village- Pataura, Bhataha, P.S.-
Muffasil, Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar, Advocate
		Mr. Dhurendra Kumar, Advocate
		Mr. Sudhanshu Kumar, Advocate
For the Opposite Party/s :		Mr. Rana Randhir Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard Learned counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Muffasil P.S. Case No. 395 of 2024 lodged on 16.08.2024, for the offence punishable under Sections 127(2), 115(2), 303(2), 109, 85, 324(4), 351(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with sections 3 & 4 of the Dowry Prohibition Act, pending in the Court of Chief Judicial Magistrate, Motihari, East Champaran.

3. As per the prosecution, FIR has been lodged against nine named accused persons including the present petitioner against whom there is an allegation that they have assaulted and



tortured the informant and also tried to kill her on the pretext of dowry demand and when informant's mother came, then accused persons assaulted her also and snatched Rs.3,000/- from her. It has also been alleged in the FIR that the informant is seven months pregnant and the co-accused Rishu Kumar and petitioner assaulted her on stomach by lathi and *muari*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner is a lady aged about 47 years and she is the mother in law of the informant and she has falsely been implicated in this case. Counsel further submits that petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation of assault against the petitioner upon the informant who is seven months pregnant.

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. However, if petitioner surrenders before the Trial Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on her surrender-cum-



bail application 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.

(Dr. Anshuman, J)

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