

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29713 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- Madhubani T District- Purnia

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1. Nisha Kumari D/o- Sri Daya Shamkar Suman Resident of Village- Mohania
Bela PS -Manmankhi District- Purnia
 2. Daya Shamkar Suman S/o- Manohar Lal Sah Resident of Village- Mohania
Bela PS -Manmankhi District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-09-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Madhubani P.S. Case No. 26 of 2025 for the offence registered under Section 108 of the BNS, 2023 lodged on 11.02.2025 by the informant Raj Kishore Sah.

3. As per the FIR lodged on 11.02.2025, the informant alleged that his brother Jai Kishore Sah (deceased), working in Hindustan TVS for few years and his neighbour including Nisha Kumari (petitioner no. 1). The allegation is that both were in relationship but the girl's family was against it and on the day, she was having video call with the deceased, due to instigation of her father (petitioner no. 2), his brother committed suicide. This led to the FIR.



4. Learned counsel for the petitioners submits that admittedly, even going by the FIR, the petitioner no. 1 was having affair with the deceased, the record shows that he has committed suicide only to teach lesson to the father-daughter and they were implicated in this case.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that due to instigation, the criminal act took place.

6. Considering the submissions of the parties as also the fact that the record shows that the deceased has committed suicide, the petitioner no. 1 is the young girl while petitioner no. 2 is father, FIR is there, they shall be diligently appearing in the trial, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnia in connection with Madhubani P.S. Case No. 26 of 2025 subject to condition as laid down under Section 438 (2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show is *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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