

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35140 of 2025

Arising Out of PS. Case No.-285 Year-2017 Thana- BAJPATTI District- Sitamarhi

Munni Kumari D/o Ashok Kumar Resident of Village - Saura, P.S.- Bajpatti,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Bajpatti P.S. Case No. 285 of 2017, dated 14.10.2017, lodged under Sections 363, 366A, 328 and 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against four named accused persons, excluding the present petitioner. The allegation against the accused persons is that they administered poison to the informant's wife and elder daughter, as a result of which they became unconscious.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the FIR was lodged in the year 2017, and the process was issued against the petitioner at the instance of the



Inquiry Officer, pursuant to which a warrant of arrest was issued against the petitioner on 05.10.2024. It is also submitted that prior to this, the petitioner had no apprehension of her arrest, as she was not named in the FIR.

5. Counsel further submits that the Sessions Court has specifically acknowledged in the rejection order that *“Perusal of record shows that the petitioner is victim in this case and her name has been surfaced during course of investigation. Perusal of Supervision note at para 36 of the case diary it appears that poisonous intoxicant has been mixed in the ‘khir’. Warrant has been issued against the petitioner/victim. Main accused can be presumed. Investigation against the petitioner is still going on.”*

6. Counsel further submits that the petitioner has a clean criminal antecedent and is innocent. It is also stated that the petitioner is suffering from mental illness, as mentioned in the FIR itself by her father. Furthermore, he submits that a sympathetic view may be taken in light of her medical condition, and anticipatory bail may kindly be granted to her.

7. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that, from the rejection order of the Sessions Court, it transpires that the Court has treated the petitioner as a victim in this case. However, since her



name has subsequently figured in the case, the Sessions Court rejected her anticipatory bail application.

8. Upon a bare perusal of the FIR, it transpires to this Court that the informant has categorically stated that her daughter, Munni Kumari (the petitioner), has been suffering from mental illness and has been undergoing psychiatric treatment since 2010.

9. It further transpires that the petitioner has given her statement under Section 164 of the CrPC, and based on her statement, the names of other accused persons were removed from the accused column, while the petitioner's name was inserted in the accused column at the instance of the Investigating Officer / Supervising Authority.

10. It further transpires to this Court that to deal with situations involving an accused suffering from mental illness, a special chapter has been inserted in the CrPC, namely Chapter XXV. Sections 328 and 329 clearly outline the procedure to be followed in cases where the accused is of unsound mind. These provisions specify the manner in which a person of unsound mind is to be tried before the Court.

11. As such, in the present facts and circumstances of this case, let the above named petitioner be released on



anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of JM, 1st Class, Sitamarhi, in connection with Bajpatti P.S. Case No. 285 of 2017, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

12. It is hereby directed to the Trial Court to follow the procedure laid down under Chapter XXV of the CrPC prior to the commencement of the trial, and to ensure that the petitioner is afforded all the benefits available under this chapter. As the offence is of the year 2017, the procedure under the CrPC, 1973 is applicable in the present case.

(Dr. Anshuman, J.)

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