

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36039 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- BATHWARIA District- West Champaran

1. Habib Miyan son of Rafique Miyan Village- Kehuniya, Ps- Lauriya, Dist- West champaran
2. Afshana Khatun wife of Afjal alam village- Olinagar, Ps- Chautarwa, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-08-2025 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. Learned counsel for the petitioners submits that he is not pressing the bail application of petitioner no.1, namely Habib Miyan, as he has already been arrested. Accordingly, the counsel is pressing only the bail application of petitioner no.2, namely Afshana Khatun.

3. The petitioner no.2 is apprehending arrest in connection with Bathwariya P.S. Case No. 26 of 2024 lodged on 27.05.2024, for the offence punishable under Sections 302, 201 & 34 of the Indian Penal Code, pending in the Court of Additional Chief Judicial Magistrate-I, Bagaha, West



Champaran.

4. Learned counsel for the petitioner no.2 submits that this is the second anticipatory bail application and her earlier anticipatory bail application was rejected by this Court *vide* order dated 29.01.2025 passed in Cr. Misc. No. 75669 of 2024. Counsel submits that the second anticipatory bail application has been filed only due to the reason that new facts and circumstances have come to the knowledge of the petitioner. He submits that in this case, trial has proceeded against other accused persons in which prosecution evidences has also continued. But none of the prosecution witnesses have disclosed anything against the petitioner and therefore, according to him, new facts has come.

5. Learned APP for the State opposes the prayer for bail of the petitioner no.2 and submits that the evidence given for other accused persons who were put on trial, shall not be of any use for the petitioner who is evading her appearance before the Court and particularly when, her first anticipatory bail application has been rejected earlier by this Court.

6. In light of the submissions made, this Court is of the firm view that it is not the change circumstance for the petitioner and since, she has moved earlier in anticipatory bail



application which was rejected by this Court, therefore, her second anticipatory bail application is not maintainable. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is hereby dismissed.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

