

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57328 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- UDAKISHUNGANJ District-
Madhepura

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Nusrat Pravin W/o Md. Saddam Hussain @ Saddam Hussain @ Md. Saddam
R/o Village- Barahi Goth, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mr. Pawan Kumar, Adv.
For the Opposite Party/s :		Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 27-08-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends her arrest in connection
with Udakishunganj P.S. Case No. 120 of 2025, registered for
the offences punishable under Sections 130(1), 70(1), 303(2)
and 3(5) of the BNS.

3. Based upon the written report, the prosecution
alleges that on 11.04.2025, in the morning, the dead body of the
informant's sister-in-law was found in her house in naked
condition. The informant suspected that all the accused persons
committed rape upon her and thereafter, brutally assaulted her. It
is also alleged that accused persons have also taken ornament
and valuables of her sister-in-law.

4. Learned Senior Advocate for the petitioner taking



this Court through the FIR primarily contended that the entire case is based upon suspicion and in fact, the reason for suspicion and false implication is writ large for the simple reason that earlier the petitioner had lodged Udakishunganj P.S. Case No. 90 of 2025 on 22.03.2025 against the husband of the deceased, namely, Roshan Kumar and others. The petitioner is a lady and an elected *Mukhiya* of Gram Panchayat Barrahi Anandpura. Only on account of these reasons, the name of the petitioner has been implicated in this case. The fact is admitted to the extent that there is no eyewitness to the alleged occurrence nor any of the witnesses, during the course of investigation, has stated her presence at and near the place of occurrence. The post-mortem report, as has been discussed in the impugned order, also suggest that deceased was done to death through strangulation and there is no discussion with regard to accusation of rape. Learned Senior Advocate taking this Court through the impugned order lastly contended that the petitioner is a lady of fair antecedent and she undertakes that she will fully co-operate in the investigation and in the proceeding of the Court and would not indulge in intimidating the informant and the witnesses.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that during



the course of investigation, materials have collected pointing towards the complicity of the petitioner in the crime.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the fact that the entire case is based on suspicion and there is no cogent material, suggesting the complicity of the petitioner in crime and two months earlier, the petitioner had instituted an FIR against the husband of the deceased, as also the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Udakishunganj, District-Madhepura in connection with Udakishunganj P.S. Case No. 120 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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