

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60223 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- BABUBARHI District- Madhubani

1. Mina Devi W/o Jaleshwar Mandal Resident of village- kulahariya, Parasa, P.S- Babubarhi, District- Madhubani
2. Arati Devi W/o Kamlesh Mandal Resident of village- kulahariya, Parasa, P.S- Babubarhi, District- Madhubani
3. Nilam Devi W/o Hare Ram Mandal Resident of village- kulahariya, Parasa, P.S- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 85, 103(1) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and are women and the informant alleges that his niece was married to Mithilesh about nine year back, on 08.03.2025 his niece informed that her husband and the accused persons have assaulted her, further on 09.09.2025 he received an information



that his niece died, accordingly, he reached the place of occurrence and saw the dead body of the victim and accused persons had fled, accordingly, the police was informed and the dead body was sent for postmortem.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye witness to the occurrence. It is also submitted that petitioners, being mother-in-law, sister-in-law (*gotni*) and *Nanad* (sister-in-law) have been mechanically implicated in the instant case with general and omnibus allegation of torture. It is next submitted that the marriage of the victim with Mithilesh was nine years old and in these nine years, no case ever came to be instituted either by the victim or her family members alleging torture. It is further submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegations. It is also submitted that from perusal of the order impugned, it would manifest that the same records that no external injury was found on the body of



the deceased in the postmortem report and the viscera has been preserved. It is further submitted that had the petitioners been involved in the occurrence in any manner, in that event efforts would have been made to dispose of the dead body with a view to conceal evidence. It is next submitted that since the dead body was sent for postmortem that amply demonstrates that petitioners were not involved in the occurrence, as from postmortem, the cause of death is ascertained. It is next submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Babubarhi P.S. Case No. 83 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.



7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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