

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61029 of 2025

Arising Out of PS. Case No.-1029 Year-2024 Thana- BIHTA District- Patna

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NISHA KUMARI D/O Kamlesh Giri, W/o Late Mantu Giri @ Mahtu Giri
R/o vill - Gokulpur, P.S.- Bihta, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case punishable for the offence under Sections 80, 3(5) of BNS.

3. As per the prosecution case , informant alleged that his brother, *Mantu Giri*, was married with this petitioner *Nisha Kumari* in the year 2021, and after the marriage, this petitioner and her family members started torturing and harassing his brother, *Mantu Giri*. It is further alleged that on 20.10.2024, when the brother of informant *Mantu Giri* went to bring her wife, *Nisha Kumari*, back to her matrimonial house, then this petitioner and other co-accused refusedv return and on



26.10.2024, informant got information that his brother consumed poison and was taken to PMCH for treatment, and when the informant went there, he found that his brother *Mantu Giri* died due to poison .

4. Learned counsel for the petitioner submitted that petitioner is wife of deceased and she is innocent and has falsely been implicated in this case . It is further submitted that the alleged occurrence took place on 26.10.2024 but informant got information regarding the same on 27.10.2024 but the present F.I.R. was lodged after the delay of 7 days for which there is no plausible explanation which itself creates doubt over the veracity of the entire prosecution case . The deceased Mantu Giri was habitual consumer of alcohol and after consuming the same , he used to harass and assault her wife Nisha Kumari and being aggrieved with the same , her wife left her matrimonial house and when she refused to go with the deceased, then he became angry and committed suicide and it was this petitioner and her family members who took the deceased to Appolo Hospital, Bihta for treatment from where the deceased was transferred to PMCH Patna for better treatment and during course of treatment he died and taking advantage of the same , the present case was lodged against this petitioner and other by



informant side only to extort money from her. Petitioner claims clean antecedent.

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

6. However, considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM – II Danapur Patna in connection with Bihta P.S. Case No. 1029 of 2024 , subject to condition as laid down under Section 482 (2) of BNSS 2023 .

(Prabhat Kumar Singh, J)

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