

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63917 of 2025

Arising Out of PS. Case No.-87 Year-2013 Thana- BAIRIYA District- West Champaran

Sahjahan Khatoon @ Sahjaha Khatoon @ Saajaha Khatoon W/o Sahim
Miyan @ Sahim Anshari R/o Vill- Pokhariya, P.S.- Bairiya, Distt- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 328,
302/34 of the IPC.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
the informant alleges that on 24.04.2013, the accused persons
including the petitioner were quarreling with his wife in his
absence and when he came back, he saw his wife had fallen and
froth was coming out of her mouth and thereafter, he came to
know that the accused persons forcefully administered poison



and his wife died on way to the hospital.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence nor the F.I.R. even remotely suggest who informed the informant that it were the accused persons including the petitioner who forcefully administered poison to his wife. It is next submitted that the police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted final form exonerating the petitioner of the allegation, but then the learned Magistrate differing with the police report took cognizance. It is next submitted that since final form was submitted by the police, as such, petitioner thought that the case against him is over but after cognizance was taken, the petitioner never received any summon or bailable warrant, all of a sudden non-bailable warrant of arrest and thereafter process u/s 82 Cr.P.C. were issued. It is next submitted that when one investigating agency after a threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for the Court to send the petitioner to jail



based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation. It is reiterated and submitted that petitioner is a woman and she will not abscond and rather will cooperate in the trial to prove her innocence.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her 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) 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 Bairiya P.S. Case No. 87 of 2013 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after her release is trying to delay the framing of charge or after framing of charge is delaying the trial in any manner, in that event, the learned trial court, in both the conditions, shall be at liberty to cancel the bail



bond of the petitioner.

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

(Satyavrat Verma, J)

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