

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67422 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- KAMTAUL District- Darbhanga

Saba Parween @ Saba Khatoon W/o Md. Jaweed Alam @ Jawed Alam D/o
Md. Ejaz @ Eajaz @ Md. Ajaz Ahmad R/o Village - Baggha, Jalwara,
Panchayat - Kothiya, P.S - Kamtaul, District - Darbhanga, State - Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2025 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 318, 338,
336, 340, 125(a) of the Bharatiya Nyaya Sanhita and Sections
125(8)(3) of the Bihar Panchayat Raj Act 2006.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that the petitioner despite being a Nepalese citizen
contested the election of Mukhiya of Gram Panchayat Raj
Khotiya, concealing the fact that she is not a citizen of India and
even saw a false affidavit before the official and participated in
the election and subsequently was elected as Mukhiya of the



said Panchayat, but on inquiry conducted by the State Election Commission, the instant FIR came to be instituted based on the order of District Magistrate.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that merely because the State Election Commission has come to a conclusion that petitioner is not an Indian citizen that in itself cannot be a ground for instituting an FIR as the order of the State Election Commission is assailable before this court. It is also submitted that petitioner has filed CWJC No. 17605 of 2024 assailing the order 23-10-2024 passed by the State Election Commission, whereby the Mukhiyaship of the petitioner was terminated on the grounds that she was a Nepalese citizen. It is next submitted that father of the petitioner was an Indian citizen, while her mother was a Nepalese citizen, but then petitioner was born in India and she acquired Indian citizenship by birth. It is also submitted that in support of the same, Khatian has been annexed.

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 Kamtaul P.S. Case No. 43 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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