

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80057 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- SAHARGHAT District- Madhubani

Sarswati Devi W/o Shambhu Sah @ Vishwanath Sah R/o Village- Bokaha,
P.S- Saharghat, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the State : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-12-2025 Heard Mr. Jitendra Kumar Bharti, learned counsel for
the petitioner and Mr. Md. Matloob Rab, learned APP for the
State.

2. The petitioner is apprehending her arrest in connection with Saharghat P.S. Case No. 99 of 2025, F.I.R. dated 29.07.2025 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109, 303(2), 76, 352, 351(2), 351(3), 3(5) of the B.N.S., 2023.

3. Allegation against the petitioner is that she along with other co-accused persons have assaulted the informant with farsha on his head due to which he sustained head injury and became unconscious.

4. Learned counsel for the petitioner submits that the petitioner having clean antecedent and she has been falsely



implicated in the present case. It appears from the F.I.R. itself that due to admitted land dispute, the present occurrence had taken place and a Title Suit No. 59 of 2015 is pending between the parties before the Court of learned Sub-Judge-I, Madhubani with respect to land in question. Although the petitioner is named in the F.I.R. but there is no specific allegation against the petitioner in the F.I.R. and there is specific allegation of assault attributed against co-accused persons namely, Maharaj Sah, Akhilesh Sah and Shambhu Sah and petitioner is wife of Sambhu Sah and hence she has been falsely implicated in the present case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of assault against the petitioner in the F.I.R. and a Title Suit is going on between the parties with respect to land in question, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Benipatti, District- Madhubani in connection with Saharghat P.S. Case No. 99 of 2025, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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