

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78309 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- ABADPUR District- Katihar

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1. Bhako Jaan Wife of Md. Matiya @ Abdus Salam Resident of Mathurapur, P.S.- Abadpur, District - Katihar
 2. Md. Matiya @ Abdus Salam Son of Late Rustam Ali @ Rustak Ali Resident of Mathurapur, P.S.- Abadpur, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-11-2025 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, learned A.P.P. for the State.

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

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and is a woman and petitioner no. 2 has antecedent of one case and the informant alleges that her husband on 14.08.2025 was going to work near Khadda Dhari river, where he was abused by petitioner no. 2 as her husband had put patwa in the river and petitioner no. 2 asked him to remove the same. It is further alleged that the husband of the informant said that the same



would be removed after he returns from work. It is next alleged that when her husband was returning after finishing his work, petitioner no. 2 again started abusing him and called the accused persons including petitioner no. 1 and thereafter petitioner no. 2 assaulted her husband by lathi and thereafter other accused assaulted him. It is next alleged that the daughter of the informant, who was present at the place of occurrence, was requesting not to assault her father but accused did not listen. On alarm, villagers gathered and rescued the husband of the informant but on account of paucity of fund her husband could not be admitted in the hospital and died on 18.08.2025.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that her husband was assaulted by the petitioner no. 2 by lathi causing injury but then does not disclose on which part of the body the husband of the informant suffered injury. It is next submitted that petitioner no. 1 is a woman and she has been falsely implicated in the case being the wife of petitioner no. 2. It is also submitted that petitioner no. 1 has been implicated only to coerce the petitioner no. 2 and other



male accused into submission. It is further submitted that the impugned order records the cause of death as traumatic injury over chest with haemorrhagic shock and respiratory arrest. It is next submitted that the FIR does not disclose that petitioner no. 2 assaulted the informant on his chest. It is also submitted that it appears that the husband of the informant died on account of some other reason and the informant took the same as an opportunity to implicate the petitioners.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is a specific allegation of assault against petitioner no. 2 of assaulting the husband of the informant by lathi. It is further submitted that though the part of the body on which the assault was made is not alleged but then it may be a probability that the daughter of the informant was not able to decipher on which part of the body the deceased was assaulted. It is next submitted that informant is not an eyewitness to the occurrence but then her daughter was present at the place of occurrence.

6. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 2, namely, Md. Matiya @ Abdus Salam. Hence, his prayer for anticipatory bail is rejected.



7. Hence, let the petitioner no. 1, namely, Bhako Jaan, 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 Abadpur P.S. Case No. 90 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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